
Committee Meeting

of

SENATE ENVIRONMENT AND ENERGY COMMITTEE

The following bill(s) will be considered:

S-2776, SCR-135, SCR-136, SCR-137

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: September 27, 2018
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Bob Smith, Chair
Senator Linda R. Greenstein, Vice Chair
Senator Richard J. Codey
Senator Christopher 'Kip' Bateman
Senator Steven V. Oroho



ALSO PRESENT:

Matthew H. Peterson
Office of Legislative Services
Committee Aide

Kate Millsaps Wolfinger
Senate Majority
Committee Aide

Rebecca Panitch
Senate Republican
Committee Aide

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

BOB SMITH
Chairman

LINDA R. GREENSTEIN
Vice-Chairwoman

RICHARD J. CODEY
CHRISTOPHER "KIP" BATEMAN
STEVEN V. OROHO



MATTHEW H. PETERSON
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New Jersey State Legislature

SENATE ENVIRONMENT
AND ENERGY COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE ENVIRONMENT AND ENERGY COMMITTEE

FROM: SENATOR BOB SMITH, CHAIRMAN

SUBJECT: COMMITTEE MEETING - SEPTEMBER 27, 2018

The public may address comments and questions to Matthew H. Peterson, Committee Aide, or make bill status and scheduling inquiries to Pamela Cocroft, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideSEN@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Senate Environment and Energy Committee will meet on Thursday, September 27, 2018 at 10:00 AM in Committee Room 10, 3rd Floor, State House Annex, Trenton, New Jersey.

The following bill(s) will be considered:

S-2776 Smith, B/Greenstein	Prohibits use of plastic carryout bags, expanded polystyrene, and single-use plastic straws.
SCR-135 Greenstein	Urges cooperative approach among all levels of government to provide funding and other resources to clean up plastic pollution.
SCR-136 Smith, B	Urges federal government to take action to require manufacturers of single-use plastic products to assume responsibility for pollution caused by those products.
SCR-137 Smith, B	Urges DEP and EDA to establish plastics recycling marketplace.

Issued 9/24/18

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SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2776

STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED SEPTEMBER 27, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

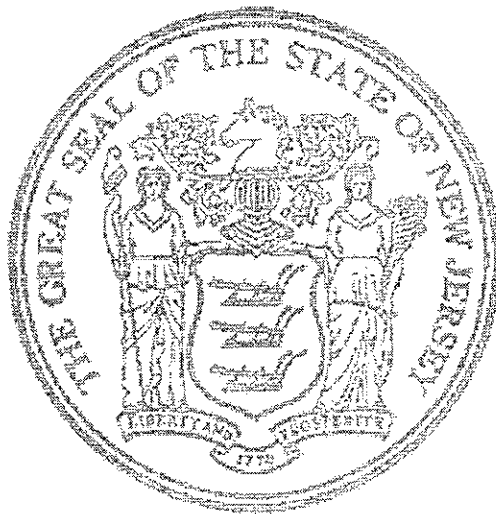
District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits carryout bags made of plastic film, polystyrene foam food service products, and single-use plastic straws; assesses fee on paper carryout bags.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Environment and Energy Committee.



1 AN ACT concerning single-use carryout bags, polystyrene foam
2 food service products, and single-use plastic straws, and
3 supplementing Title 13 of the Revised Statutes.

4

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

7

8 1. As used in this act:

9 "Carryout bag" means a bag that is provided by a store or food
10 service business to a customer at the point of sale for the purpose of
11 transporting groceries, prepared foods, or retail goods.

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

14 "Director" means the Director of the Division of Taxation in the
15 Department of the Treasury.

16 "Food service business" means a business that sells or provides
17 food for consumption on or off the premises, and includes, but is
18 not limited to, any restaurant, café, delicatessen, coffee shop,
19 supermarket or grocery store, vending truck or cart, food truck,
20 movie theater, or business or institutional cafeteria, including those
21 operated by or on behalf of any governmental entity.

22 "Operator" means a person in control of, or having responsibility
23 for, the daily operation of a store, which may include, but need not be
24 limited to, the owner of the store.

25 "Plastic" means a synthetic material made from linking
26 monomers through a chemical reaction to create an organic polymer
27 chain that can be molded or extruded at high heat into various solid
28 forms retaining their defined shapes during the life cycle and after
29 disposal.

30 "Plastic film" means any non-woven, flexible plastic that is less
31 than 10 mils thick.

32 "Polystyrene foam" means blown polystyrene and expanded and
33 extruded foams that are thermoplastic petrochemical materials
34 utilizing a styrene monomer and processed by a number of
35 techniques, including, but not limited to, fusion of polymer spheres
36 (expandable bead polystyrene), injection molding, foam molding,
37 and extrusion-blow molding (extruded foam polystyrene).

38 "Polystyrene foam food service product" means a product made,
39 in whole or in part, of polystyrene foam that is used for selling or
40 providing a food or beverage, and includes, but is not limited to, a
41 food container, plate, hot or cold beverage cup, meat or vegetable
42 tray, cutlery, or egg carton.

43 "Store" means any grocery store, supermarket, convenience
44 store, liquor store, pharmacy, drug store, or other retail
45 establishment that has over 1,000 square feet of retail space.

46

47 2. a. No store or food service business shall provide a carryout
48 bag made of plastic film to a customer.

1 b. Nothing in this section shall be construed to prohibit the
2 provision to a customer of:

3 (1) a non-handled bag made of plastic film used to separate and
4 prevent a food item from damaging or contaminating another item;

5 (2) a bag made of plastic film used to contain an unwrapped food
6 item; or

7 (3) a durable, handled carryout bag made from any natural or
8 synthetic material other than plastic film, including, but not
9 necessarily limited to, woven or nonwoven plastic or cloth, that is at
10 least 10 mils thick, and that is specifically designed and
11 manufactured for multiple reuse.

12

13 3. a. No person shall sell or offer for sale in the State any
14 polystyrene foam food service product.

15 b. No food service business shall sell or provide any food in a
16 polystyrene foam food service product.

17 c. The following items shall be exempt from the provisions of
18 subsections a. and b. of this section for a period of one year from
19 the effective date of this section:

20 (1) Disposable, long-handled polystyrene foam soda spoons
21 when required and used for thick drinks;

22 (2) Portion cups of two ounces or less, if used for hot foods or
23 foods requiring lids; and

24 (3) Meat and fish trays for raw or butchered meat, including
25 poultry, or fish that is sold from a refrigerator or similar retail
26 appliance.

27 d. The department may extend any exemption provided for in
28 subsection c. of this section for additional periods not to exceed one
29 year upon a written determination that there is no cost-effective and
30 readily available alternative for the item. An exemption shall
31 expire after one year unless the department extends it pursuant to
32 this subsection.

33 e. The department may, upon written application by a person or
34 food service business, waive the provisions of subsections a. and b.
35 of this section for the person or food service business for a period
36 not to exceed one year, if:

37 (1) there is no feasible and commercially available alternative for
38 a specific polystyrene foam food service product; or

39 (2) the person or food service business has less than \$500,000 in
40 gross annual income and there is no reasonably affordable,
41 commercially-available alternative to the polystyrene foam food
42 service product.

43 The department shall prescribe the form and manner of the
44 application for a waiver pursuant to this subsection. The
45 department may, upon written application, extend any waiver
46 granted pursuant to this section for additional periods not to exceed
47 one year.

1 4. a. No food service business shall sell or provide a single-use
2 plastic straw to a customer.

3 b. Notwithstanding the provisions of subsection a. of this
4 section, upon request, a food service business may provide a single-
5 use plastic straw to a person that requires a single-use plastic straw
6 due to a disability or medical condition.

7
8 5. a. Each operator of a store shall impose a fee of at least
9 \$0.10 on the customer for each paper bag that is provided as a
10 carryout bag to the customer.

11 b. Each operator shall indicate the total number of paper bags
12 provided to a customer and the total fee charged pursuant to
13 subsection a. of this section on the sales or other receipt given to the
14 customer.

15 c. Each operator shall remit \$0.05 of the fee collected to the
16 director in a manner prescribed by the director, and retain the
17 remaining amount. Each operator shall be personally liable for the
18 fees imposed, collected, or required to be collected. Any operator
19 shall have the same right in respect to collecting the fee from a
20 customer as if the fee were a part of the sales price of the product
21 sold and payable at the same time.

22 d. The director may use up to one percent of the revenues
23 collected pursuant to subsection c. of this section to defray the costs
24 of administration and collection of the fees. The director shall
25 deposit the remainder of the revenues into the "Plastic Pollution
26 Prevention Fund" established pursuant to section 6 of this act.

27 e. The fee imposed pursuant to this section shall be governed
28 by the provisions of the State Uniform Tax Procedure Law,
29 R.S.54:48-1 et seq.

30 f. The director shall adopt, pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
32 regulations necessary for the implementation of this section.

33

34 6. a. There is established in the Department of Environmental
35 Protection a nonlapsing fund to be known as the "Plastic Pollution
36 Prevention Fund."

37 b. The fund shall be credited with:

38 (1) the fees collected by the director pursuant to section 5 of this
39 act;

40 (2) any penalties collected by the department, a municipality, or
41 an entity certified pursuant to the "County Environmental Health
42 Act," P.L.1977, c.443 (C.26:3a2-21 et seq.) pursuant to section 8 of
43 this act;

44 (3) all interest or other income earned and received on
45 investment of the moneys in the fund; and

46 (4) any other monies that may be made available, or
47 appropriated, to the department for the purposes of the fund.

1 c. The department shall use moneys in the fund to establish:

2 (1) programs and grants or other incentives to facilitate the
3 development of the State's plastics recycling industry, including the
4 establishment of one or more plastics recycling facilities; and

5 (2) a public education and outreach program to inform the public
6 about the environmental impact of single-use plastics and encourage
7 the use of reusable alternatives to single-use plastics, which may
8 include, but need not be limited to, technical assistance to the
9 business community, educational signage or other media, and
10 compliance materials.

11 d. The department shall develop guidelines to prioritize the
12 disbursement of monies from the fund and shall post these
13 guidelines on its Internet website.

14 e. The department shall submit annually to the Governor and,
15 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
16 Legislature a report detailing the single-use plastic reduction and
17 plastic waste prevention programs and activities undertaken and the
18 funds disbursed pursuant to this section.

19

20 7. This act shall supersede and preempt municipal and county
21 rules, regulations, codes, and ordinances concerning the regulation
22 or prohibition of carryout bags, polystyrene foam food service
23 products, and single-use plastic straws, or fees charged therefor.

24

25 8. a. Any person or entity that violates any provision of this act
26 shall be subject to a penalty of up to \$500 for a first offense, up to
27 \$1,000 for a second offense, and up to \$5,000 for a third or
28 subsequent offense, to be collected in a civil action by a summary
29 proceeding under the "Penalty Enforcement Law of 1999,"
30 P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a court
31 of competent jurisdiction wherein injunctive relief has been
32 requested. If the violation is of a continuing nature, each day
33 during which it continues shall constitute an additional, separate,
34 and distinct offense. The Superior Court and the municipal court
35 shall have jurisdiction to enforce the provisions of the "Penalty
36 Enforcement Law of 1999" in connection with this act.

37 b. Any penalty collected pursuant to subsection a. of this
38 section shall be remitted to the director for deposit in the "Plastic
39 Pollution Prevention Fund" established pursuant to section 6 of this
40 act.

41 c. The Department of Environmental Protection, a
42 municipality, and any entity certified pursuant to the "County
43 Environmental Health Act," P.L.1977, c.443 (C.26:3a2-21 et seq.)
44 shall have the authority to enforce the provisions of this act. Those
45 entities may institute a civil action for injunctive relief to enforce
46 this act and to prohibit and prevent a violation thereof, and the court
47 may proceed in the action in a summary manner.

1 9. a. There is established in the Department of Environmental
2 Protection the Plastics Advisory Council. The council shall monitor
3 the implementation of this act, and evaluate its effectiveness in
4 reducing single-use plastics and plastic waste in the State.

5 b. The council shall consist of 14 members as follows:

6 (1) the Commissioner of Environmental Protection, who shall
7 serve ex officio, or the commissioner's designee;

8 (2) the Commissioner of Health, who shall serve ex officio, or
9 the commissioner's designee;

10 (3) the following members appointed by the Governor:

11 (a) two members of the academic community with expertise on
12 the issues of single-use plastics and plastic waste;

13 (b) four members representing the environmental community;

14 (c) four members representing food service businesses and
15 stores;

16 (d) one member representing the recycling industry; and

17 (e) one member representing local governments.

18 c. All appointments to the council shall be made no later than
19 90 days after the effective date of this section. The term of office of
20 each public member shall be three years. Each member shall serve
21 until a successor has been appointed and qualified, and vacancies
22 shall be filled in the same manner as the original appointments for
23 the remainder of the unexpired term. A member is eligible for
24 reappointment to the council. The members of the council shall
25 serve without compensation, but shall be eligible for necessary and
26 reasonable expenses incurred in the performance of their official
27 duties within the limits of funds appropriated or otherwise made
28 available for the council's purposes.

29 d. The council shall organize as soon as practicable following
30 the appointment of its members and shall select a chairperson and a
31 vice-chairperson from among its members, as well as a secretary
32 who need not be a member of the council. A majority of the
33 membership of the council shall constitute a quorum for the
34 transaction of council business. The council may meet and hold
35 hearings at the place or places it designates.

36 e. No later than one year after the effective date of this section,
37 and each year thereafter, the council shall submit a report to the
38 Governor, the Legislature pursuant to section 2 of P.L.1991, c.164
39 (C.52:14-19.1), and the respective chairpersons of the Senate
40 Environment and Energy Committee and the Assembly
41 Environment and Solid Waste Committee, or their successors,
42 evaluating the implementation and the effectiveness of this act, and
43 making any recommendations for legislative or administrative
44 action.

45

46 10. No later than one year after the effective date of this section,
47 the Department of Environmental Protection shall submit a report to
48 the Governor and, pursuant to section 2 of P.L.1991, c.164

1 (C.52:14-19.1), to the Legislature, containing recommendations for
2 additional measures the State can take, including administrative or
3 legislative action, to reduce single-use plastics and plastic waste.

4
5 11. No later than six months after the effective date of this
6 section, the Department of State, in consultation with the
7 Department of Environmental Protection, shall establish a program
8 to assist businesses in complying with the provisions of this act,
9 including, but not necessarily limited to, developing, and publishing
10 on its Internet website, guidance on compliance with the act, and
11 establishing an online clearinghouse of vendors who provide
12 alternatives to carryout bags made of plastic film, polystyrene foam
13 food service products, and single-use plastic straws.

14
15 12. The department shall adopt, pursuant to the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
17 regulations as may be necessary to effectuate the purposes of this
18 act.

19
20 13. Sections 2 through 4 of this act shall take effect one year
21 after the date of enactment of this act, section 5 of this act shall take
22 effect two years after the date of enactment of this act, and the
23 remainder of this act shall take effect immediately.

**SENATE CONCURRENT
RESOLUTION No. 135**

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator CHRISTOPHER "KIP" BATEMAN

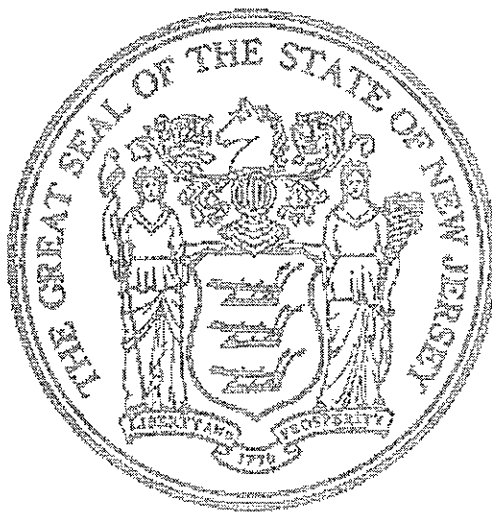
District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Urges cooperative approach among all levels of government to provide funding and other resources to clean up plastic pollution.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/28/2018)

1 **A CONCURRENT RESOLUTION** respectfully urging all levels of
2 government to take action to remove plastic from the State
3 waters.
4
5 **WHEREAS**, Global annual plastics production increased from two
6 million tons in 1950 to 381 million tons in 2015; and
7 **WHEREAS**, Single-use plastics are defined as plastic packaging and
8 other consumer products made out of plastic that are designed to be
9 used once and thrown away after a brief use; and
10 **WHEREAS**, Single-use plastics include bottles, cups, plastic lids, bags,
11 plates, utensils, straws, stirrers, swabs, food containers, plastic film
12 wraps, and plastic packaging; and
13 **WHEREAS**, Americans purchase 50 billion water bottles per year, with
14 an average of 13 bottles per month per person; and
15 **WHEREAS**, Additionally, 100 billion plastic bags and 25 billion
16 styrofoam plastic coffee cups are thrown away by Americans each
17 year, which averages to 307 plastic bags and 77 cups per person per
18 year; and
19 **WHEREAS**, Not all single-use plastic waste reaches landfills or is
20 recycled; and
21 **WHEREAS**, New Jersey's current post-consumer plastics recycling
22 rates vary between six to nine percent, although, some calculations
23 indicate recycling rates maybe around 13 percent; and
24 **WHEREAS**, Single-use plastic waste creates visual pollution and
25 impacts tourism, fishing, and shipping industries; and
26 **WHEREAS**, Mismanaged single-use plastic blocks drainage systems,
27 releases toxic fumes if burned, becomes land pollution, and
28 contaminates the food chain; and
29 **WHEREAS**, Further, unrecycled plastics are disposed of in landfills,
30 dumpsites, or incinerators, or end up in waterways and oceans
31 where they will remain for hundreds or even thousands of years;
32 and
33 **WHEREAS**, The United Nations Environment Program reports that the
34 more than eight million tons of plastics that ends up in lakes and
35 oceans each year is equal to dumping a garbage truck of plastic
36 every minute; and
37 **WHEREAS**, Furthermore, plastics released in the environment typically
38 do not biodegrade, but instead break into smaller pieces, called
39 microplastics, which accumulate in the natural environment; and
40 **WHEREAS**, There are multiple environmental concerns associated with
41 microplastics in surface waters; and
42 **WHEREAS**, There is evidence that microplastic pollution can move
43 through natural food webs and accumulate in fin fish and shellfish
44 tissues, which means microplastics and associated pollutants have
45 the potential to move into the human food chain; and
46 **WHEREAS**, The presence of plastics in surface waters is extensively
47 documented in both freshwater systems and in the world's oceans;
48 and

1 WHEREAS, It is imperative that all levels of government work together
2 to clean up plastics from our fresh waterbodies, oceans, and other
3 marine waters in order to protect the environment and public health;
4 now, therefore,

5
6 BE IT RESOLVED by the Senate of the State of New Jersey (the
7 General Assembly concurring):

8
9 1. The Legislature of this State respectfully urges all levels of
10 government to take cooperative action, including providing funding
11 and other resources, to remove plastic from the State waters in order
12 to decrease the amount of plastic entering into marine waters and
13 ultimately into human food chains.

14
15 2. Copies of this Resolution, as filed with the Secretary of
16 State, shall be transmitted by the Clerk of the General Assembly or
17 the Secretary of the Senate to the Administrator of the United States
18 Environmental Protection Agency, the Administrator of the
19 National Oceanic and Atmospheric Administration, the Governor
20 and Attorney General of the State of New Jersey, the Commissioner
21 of the New Jersey Department of Environmental Protection, every
22 member of Congress elected from the State of New Jersey, the
23 President of the New Jersey Conference of Mayors, and the
24 President of the League of Municipalities.

25
26
27 STATEMENT

28
29 This resolution respectfully urges all levels of government to
30 take cooperative action, including providing funding and other
31 resources, to remove plastic from the State waters in order to
32 decrease the amount of plastic entering into marine waters and
33 ultimately into human food chains.

34 Global annual plastics production increased from two million tons
35 in 1950 to 381 million tons in 2015. Single-use plastics are defined as
36 plastic packaging and other consumer products made out of plastic that
37 are designed to be used once and thrown away after a brief use.
38 Single-use plastics include bottles, cups, plastic lids, bags, plates,
39 utensils, straws, stirrers, swabs, food containers, plastic film wraps,
40 and plastic packaging. Americans purchase 50 billion water bottles
41 per year, with an average of 13 bottles per month per person.
42 Additionally, 100 billion plastic bags and 25 billion styrofoam plastic
43 coffee cups are thrown away by Americans each year, which averages
44 to 307 plastic bags and 77 cups per person per year. Not all single use
45 plastic waste reaches landfills or are recycled. New Jersey's current
46 post-consumer plastics recycling rates vary between six to nine
47 percent, although, some calculations indicate recycling rates may be
48 around 13 percent.

1 Single-use plastic waste creates visual pollution and impacts
2 tourism, fishing, and shipping industries. Mismanaged single-use
3 plastic blocks drainage systems, releases toxic fumes if burned,
4 becomes land pollution, and contaminates the food chain. Further,
5 unrecycled plastics are disposed of in landfills, dumpsites, or
6 incinerators, or end up in waterways and oceans where they will
7 remain for hundreds or even thousands of years.

8 The United Nations Environment Program reports that the more
9 than eight million tons of plastics that ends up in lakes and oceans
10 each year is equal to dumping a garbage truck of plastic every minute.
11 Furthermore, plastics released in the environment typically do not
12 biodegrade, but instead break into smaller pieces, called microplastics,
13 which accumulate in the natural environment. There are multiple
14 environmental concerns associated with microplastics in surface
15 waters. There is evidence that microplastic pollution can move
16 through natural food webs and accumulate in fin fish and shellfish
17 tissues, which means microplastics and associated pollutants have the
18 potential to move into the human food chain. The presence of plastics
19 in surface waters is extensively documented in both freshwater
20 systems and in the world's oceans. It is imperative that all levels of
21 government work together to clean up plastics from our fresh
22 waterbodies, oceans, and other marine waters in order to protect the
23 environment and public health.

**SENATE CONCURRENT
RESOLUTION No. 136**

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator RICHARD J. CODEY

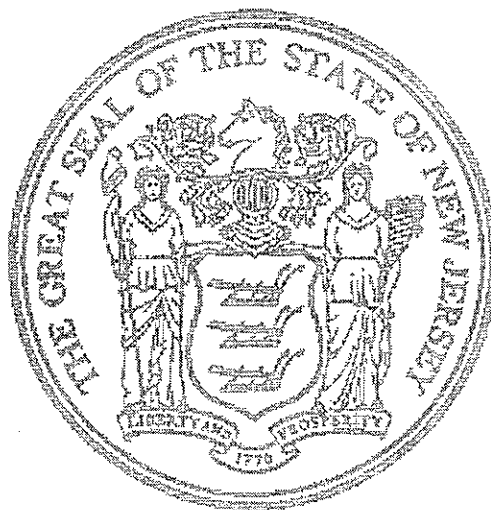
District 27 (Essex and Morris)

SYNOPSIS

Urges federal government to take action to require manufacturers of single-use plastic products to assume responsibility for pollution caused by those products.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/25/2018)

1 A CONCURRENT RESOLUTION urging the federal government to
2 take all available actions to hold manufacturers of single-use
3 plastic products responsible for pollution caused by those
4 products.

5
6 WHEREAS, Single-use plastics can be defined as plastic packaging and
7 other consumer products that are designed to be used once and
8 discarded, and include, but are not limited to, bags, bottles, cups,
9 lids, straws, stirrers, and utensils, as well as plastic film wraps and
10 packaging; and

11 WHEREAS, Single-use plastics are certainly convenient; however, after
12 they serve their original purpose and are discarded, they have
13 significant negative impacts on the environment and public health;
14 and

15 WHEREAS, While some single-use plastics may be recycled, plastic
16 bag recycling is highly specialized, and significant volumes of
17 single-use plastics are disposed of as trash, ending up in landfills or
18 at incinerators, or become litter, blocking drainage systems,
19 polluting waterways and marine waters, and endangering fish,
20 wildlife, and human health; and

21 WHEREAS, Because plastic products typically do not biodegrade, but
22 instead break into smaller pieces, these materials continue to
23 accumulate in the natural environment, and in the marine
24 environment as single-use plastic products break down, they
25 degrade into smaller and smaller pieces, referred to as
26 microplastics, which in are eaten by fish and other marine life,
27 which then can enter the human food chain; and

28 WHEREAS, When plastic bags are put into most conventional recycling
29 bins, the bags jam and damage the recycling machinery increasing
30 labor costs, requiring expensive machinery repairs, and increasing
31 the costs of the recycling process for more profitable materials; and

32 WHEREAS, When plastic bags are thrown away and end up in landfills,
33 they negatively impact the environment by taking up valuable
34 space, not decomposing effectively, and becoming unsightly
35 airborne rubbish at the landfill, requiring special covering or
36 fencing to try to capture them to prevent them from becoming
37 unsightly litter that can end up in waterways; and

38 WHEREAS, When plastic bags reach the ocean or other sensitive
39 environments, they impact tourism, fishing, and shipping industries,
40 endanger or kill wildlife, and degrade water quality; and

41 WHEREAS, In New Jersey alone, approximately one million tons of
42 plastic waste is generated annually, of which approximately 58
43 percent goes to landfills and 28 percent is incinerated; and

44 WHEREAS, Plastic manufacture is the third largest manufacturing
45 industry in the country, and manufacturers of single-use plastic
46 products enjoy the financial benefits from the sale of these products
47 but do not assume any of the costs or responsibility associated with

1 the after-life of, or the environmental damage caused by, the
2 products; and

3 **WHEREAS**, Manufacturers should be held responsible for the
4 environmental and economic costs associated with their products
5 and be required to develop a waste management approach that
6 promotes sustainability, efficient resource management, and
7 mitigation of climate change; and

8 **WHEREAS**, Strong action at the federal level would assist states
9 throughout the country in dealing with the significant
10 environmental and public health issues associated with single-use
11 plastic products; now, therefore,

12
13 **BE IT RESOLVED** by the Senate of the State of New Jersey (the
14 General Assembly concurring):

15
16 1. The federal government is urged to take all available action
17 to hold manufacturers of single-use plastic products responsible for
18 pollution caused by the use and disposal of those plastic products.

19 a. The Congress and President of the United States are urged to
20 enact federal legislation requiring manufacturer responsibility for
21 single-use plastic products.

22 b. The Attorney General of the United States is urged to take
23 action to institute litigation against manufacturers of single-use
24 plastic products to recoup clean-up costs, water filtration expenses,
25 and damages to natural resources caused by discarded single-use
26 plastic products.

27
28 2. Copies of this resolution, as filed with the Secretary of State,
29 shall be transmitted by the Clerk of the General Assembly or the
30 Secretary of the Senate to the President and Vice-President of the
31 United States, the Majority and Minority Leaders of the United
32 States Senate, the Speaker and Minority Leader of the United States
33 House of Representatives, the United States Attorney General, the
34 Administrator of the United States Environmental Protection
35 Agency, the Governor and Attorney General of the State of New
36 Jersey, the Commissioner of the New Jersey Department of
37 Environmental Protection, and every member of Congress elected
38 from the State of New Jersey.

39

40

41 **STATEMENT**

42

43 This concurrent resolution urges the federal government to take
44 all available action to hold manufacturers of single-use plastic
45 products responsible for the pollution caused by the use and
46 disposal of those plastic products. The Congress and President of
47 the United States are urged to enact federal legislation requiring
48 manufacturer responsibility for single-use plastic products. Further,

SCRI36 B.SMITH, CODEY

4

1 the Attorney General of the United States is urged, where
2 appropriate, to take action to institute litigation against
3 manufacturers of single-use plastic products to recoup clean-up
4 costs, water filtration expenses, and damages to natural resources
5 caused by discarded single-use plastic products.

**SENATE CONCURRENT
RESOLUTION No. 137**

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

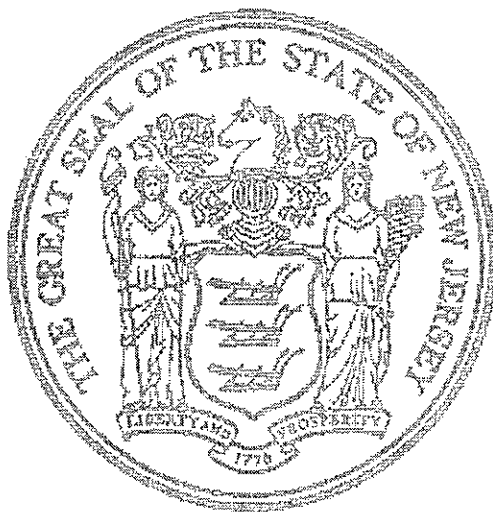
Senators Bateman, Codey and Greenstein

SYNOPSIS

Urges DEP and EDA to establish plastics recycling marketplace.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/28/2018)

1 **A CONCURRENT RESOLUTION** urging the Department of
2 Environmental Protection and the Economic Development
3 Authority to establish a plastics recycling marketplace.
4

5 **WHEREAS**, Single-use plastics are defined as plastic packaging and
6 other consumer products made out of plastic that are designed to be
7 used once and thrown away after a brief use, and include bottles,
8 cups, plastic lids, bags, plates, utensils, straws, stirrers, swabs, food
9 containers, plastic film wraps, and plastic packaging; and

10 **WHEREAS**, Americans purchase 50 billion water bottles per year,
11 averaging 13 bottles per month per person; and

12 **WHEREAS**, Additionally, 100 billion plastic bags and 25 billion
13 styrofoam plastic coffee cups are thrown away by Americans each
14 year, which averages to 307 plastic bags and 77 cups per person per
15 year; and

16 **WHEREAS**, Not all single-use plastic waste reaches landfills,
17 permanent disposal facilities, or is recycled; and

18 **WHEREAS**, New Jersey's current post-consumer plastics recycling
19 rates vary between six to nine percent, however, although some
20 calculations indicate recycling rates maybe around 13 percent; and

21 **WHEREAS**, Mismanaged single-use plastic waste may block drainage
22 systems, release toxic fumes if burned, become land pollution, and
23 contaminate the food chain; and

24 **WHEREAS**, Further, unrecycled plastics are disposed of in landfills,
25 dumpsites, incinerators, or end up in waterways and oceans where
26 they will remain for hundreds or even thousands of years; and

27 **WHEREAS**, Furthermore, plastic released in the environment typically
28 does not biodegrade, but instead breaks into smaller pieces, called
29 microplastics, which continue to accumulate in the natural
30 environment; and

31 **WHEREAS**, There is evidence that microplastic pollution can move
32 through natural food webs and accumulate in fin fish and shellfish
33 tissues, which means microplastics and associated pollutants have
34 the potential to move into the human food chain; and

35 **WHEREAS**, The accumulation of single-use plastics in our environment
36 is dangerous for the residents of this State, marine wildlife, and the
37 environment, creates visual pollution, and impacts tourism, fishing,
38 and shipping industries; and

39 **WHEREAS**, Efficient research needs to be conducted for the
40 development of technologies to reuse or transform single-use
41 plastic waste into useful products and create a marketplace for the
42 massive volume of single-use plastics; and

43 **WHEREAS**, It is imperative to develop a single-use plastics recycling
44 marketplace in order to divert single use plastics from our
45 environment, including from our oceans and landfills; now,
46 therefore,

1 **BE IT RESOLVED** by the Senate of the State of New Jersey (the
2 *General Assembly concurring*):

3
4 1. The Legislature respectfully urges the Department of
5 Environmental Protection to utilize monies from the State
6 Recycling Fund, established pursuant to section 5 of P.L.1981,
7 c.278 (C.13:1E-96), to conduct the necessary research for the
8 development of a plastics recycling marketplace in the State in
9 order to increase the volume of single-use plastics being recycled in
10 the State and decrease the amount of these plastics from entering
11 into our natural environment.

12
13 2. The Legislature respectfully urges the New Jersey Economic
14 Development Authority to take steps to encourage and provide
15 funding to establish a plastics recycling marketplace in the State in
16 order to reduce the presence of single-use plastics in our natural
17 environment.

18
19 3. Copies of this resolution, as filed with the Secretary of State,
20 shall be transmitted by the Clerk of the General Assembly or the
21 Secretary of the Senate to the Governor, the Commissioner of
22 Environmental Protection, and to the Chief Executive Officer of the
23 New Jersey Economic Development Authority.

24
25
26 STATEMENT

27
28 This concurrent resolution respectfully urges the Department of
29 Environmental Protection to utilize monies from the State
30 Recycling Fund to conduct the necessary research for the
31 development of a plastics recycling marketplace in the State in
32 order to increase the volume of single-use plastics being recycled in
33 the State and decrease the amount of these plastics from entering
34 into our natural environment. In addition, the Legislature
35 respectfully urges the New Jersey Economic Development
36 Authority to take steps to encourage and provide funding to
37 establish a plastics recycling marketplace in the State in order to
38 reduce the presence of single-use plastics in our natural
39 environment.

40 Single-use plastics are defined as plastic packaging and other
41 consumer products made out of plastic that are designed to be used
42 once and thrown away after a brief use, and include bottles, cups,
43 plastic lids, bags, plates, utensils, straws, stirrers, swabs, food
44 containers, plastic film wraps, and plastic packaging. Americans
45 purchase 50 billion water bottles per year, an averaging 13 bottles per
46 month per person. Additionally, 100 billion plastic bags and 25 billion
47 styrofoam plastic coffee cups are thrown away by Americans each
48 year, which averages to 307 plastic bags and 77 cups per person per

1 year. Not all single-use plastic waste reaches landfills, permanent
2 disposal facilities, or is recycled.

3 New Jersey's current post-consumer plastics recycling rates vary
4 between six to nine percent, however, although some calculations
5 indicate recycling rates maybe around 13 percent. Mismanaged
6 single-use plastic waste may block drainage systems, release toxic
7 fumes if burned, become land pollution, and contaminate the food
8 chain. Further, unrecycled plastics are disposed of in landfills,
9 dumpsites, incinerators, or end up in waterways and oceans where they
10 will remain for hundreds or even thousands of years. Furthermore,
11 plastic released in the environment typically does not biodegrade, but
12 instead breaks into smaller pieces, called microplastics, which
13 continue to accumulate in the natural environment. There is evidence
14 that microplastic pollution can move through natural food webs and
15 accumulate in fin fish and shellfish tissues, which means microplastics
16 and associated pollutants have the potential to move into the human
17 food chain. The accumulation of single-use plastics in our
18 environment is dangerous for the residents of this State, marine
19 wildlife, and the environment, creates visual pollution, and impacts
20 tourism, fishing, and shipping industries.

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SENATOR BOB SMITH (Chair): All right; so everybody should take their seat, if there is a seat. If there isn't a seat, I'd like the record noted that we were standing room only again; *again*. (laughter)

And we should start with the opening line: Welcome to the--

UNIDENTIFIED MEMBERS OF AUDIENCE: --most interesting Committee in the Legislature. (laughter)

SENATOR SMITH: So if we could take a roll, please.

MR. PETERSON (Committee Aide): Senator Oroho is present, just not in the room.

Senator Bateman.

SENATOR BATEMAN: Here.

MR. PETERSON: Governor Codey.

GOVERNOR CODEY: Here.

MR. PETERSON: Senator Greenstein.

SENATOR LINDA R. GREENSTEIN (Vice Chair): Here.

MR. PETERSON: Chairman Smith.

SENATOR SMITH: Present.

So you may have noticed that Kevil has metaphored into a different person. (laughter) And this is Kate Millsaps; and it is hyphenated. The second half of the name is--

MS. MILLSAPS WOLFINGER (Committee Aide): Wolfinger.

SENATOR SMITH: Wolfinger?

MS. MILLSAPS WOLFINGER: Yes.

SENATOR SMITH: Okay.

And Kate is-- This Committee, because it is so interesting, has co-staffers. So we have Kevil and we have Kate. Kate did her -- she *made*

her bones, is the phrase that we use in the mafia. (laughter) She made her bones in Sierra Club. And I am also finding her to be a tremendous resource on plastics issues. She really has it down pat.

GOVERNOR CODEY: But do you drive a Prius? (laughter)

MS. MILLSAPS WOLFINGER: No, I don't. (laughter)

SENATOR GREENSTEIN: I get that question--

SENATOR SMITH: Then she can't be a real environmentalist.
(laughter)

So in any case, I think what we're going to do is do the resolutions first, all right?

SENATOR BATEMAN: There you go. That's a wise man.

SENATOR SMITH: And then we'll do the main event last.

So let's start with SCR-135, which is Senator Greenstein's resolution, which "Urges cooperative approach among all levels of government to provide funding and other resources to clean up plastic pollution."

When we were at our hearing in Toms River-- And we now have the transcript of it; remember the August 23 hearing, which was -- I thought an absolute barn-burner, in terms of the information that we received, especially from the various academics from Princeton University and Rutgers University about the seriousness of the problem. Some of the information we received, for example, was that global annual plastics production increased from 2 million tons in 1950, to 381 million tons in 2015; that Americans purchased 50 billion water bottles a year, with an average of 13 bottles per month per person; and in addition, 100 billion plastic bags and 25 billion Styrofoam plastic coffee cups are thrown away

by Americans each year, and that averages to 307 plastic bags and 77 cups per person, per year. Wow.

And unfortunately, in New Jersey, our post-consumer plastics recycling rate is between 6 and 9 percent.

The other stunning part of the hearing-- And everybody-- You know, these are available; publicly available. You should get yourself a copy, especially if you weren't at the hearing. What the academics pointed out is this is not -- and I won't even use the word *just* -- but it is a huge environmental problem in terms of -- we have two continents of plastic, one in the Atlantic Ocean and one in the Pacific Ocean. It's already there, and it's a nightmare.

And what the academics pointed out -- that was the really shocking part of their testimony -- was that these plastics are breaking down -- when they are in the environment, breaking down into smaller, and smaller, and smaller, and smaller, and smaller, and smaller pieces. And they are now being -- the plastic pieces are being found in not only ocean fish, where you're seeing these two islands of plastic; but they're also being seen in freshwater fish. And they had studies of both the Passaic River and the Raritan River showing the fish bioaccumulating the plastics; and then on these plastic particles -- adhering to the particle were over 300 organic chemicals. And these organic chemicals may or may not be carcinogenic, but I can tell you they are not real good for human beings.

So the one academic said this problem may be as big as the global warming problem on the planet. Serious stuff.

So we have our first Resolution by Senator Greenstein. And this is an effort to try and get governments to work together. And the one

that -- the big point-- And this was out in California; you may have seen the news stories or the news articles about this 23-year-old entrepreneur, who has received entrepreneurial funding, who now has a boat with a -- what's the right word?

UNIDENTIFIED MEMBER OF AUDIENCE: Trough.

SENATOR SMITH: To catch plastics. And he's going out to the Pacific Ocean in this device, and circles the plastic, concentrates it; and then they're taking it back to the United States to process it and hopefully recycle it.

And I think the point of Senator Greenstein's Resolution is, we really need to be doing more of that, and governments need to be working together to do it.

And Senator, I should give you a shot. Is there anything you'd like to say before we start taking testimony?

SENATOR GREENSTEIN: Just that we really have two kinds of bills on the agenda today; and this one would urge a cooperative approach on the part of governments. And right now, I'm just joined by Senator Bateman as a co-prime on this Bill, which is great.

SENATOR SMITH: Great.

SENATOR GREENSTEIN: And if that does turn out to be the approach we're taking, we'll do everything in our power to encourage and push governments -- certainly ours, for starters -- to make sure that we are doing everything that we can in this regard.

SENATOR SMITH: Great.

SENATOR GREENSTEIN: Thank you.

SENATOR SMITH: So three witnesses indicated they are in favor and they have no need to testify. We have Brain Hackett of the Humane Society of the United States; we have Lena Smith from Food and Water Watch, in favor, no need to testify; and Henry Gajda, from the New Jersey League of Conservation Voters, in favor, no need to testify.

Oh, I'm sorry; one more. Doug O'Malley from Environment New Jersey, in favor, no need to testify.

So we have two witnesses who would like to testify.

First, Jeff Tittel from the Sierra Club.

Jeff.

J E F F T I T T E L: Thank you.

Jeff Tittel, New Jersey Sierra Club.

We've been working on this issue across the country, as many other groups are. And I think that this Resolution is important, because we need to start getting government to focus. And it's not just -- you know, it's not just the State government, but the Federal government, county and local government, because of how we deal with solid waste in this state.

Banning plastics and moving away from plastics is important, but we have to clean up the mess that's been made. You know, in Baltimore Inner Harbor they have two skimmers, working full time, just to pick up the plastics.

So as we move and get rid of plastics in the environment, we need to clean up that mess. Because as we know, plastics are not just the mess on our beach or in our waterways; it's also becoming an important health problem to us.

So I think we need to work to get all different levels of government to work together.

So thank you.

SENATOR SMITH: Thank you, Jeff.

And Bill Kibler; and Bill is from the Raritan Headwaters Association.

Bill.

WILLIAM S. KIBLER: Good morning, Senator; thank you.

I want to start by thanking Senator Greenstein and Senator Bateman for sponsoring this Bill.

I just want to take a brief moment and hopefully put some local scale to this for the Committee.

At Raritan Headwaters, we've had a stream cleanup that's been going on for 27 years; next April will be our 28th annual stream cleanup. Senator Bateman has been a very regular participant in our stream cleanup, so you can check my facts with him after.

Last year, last April, when we did our 27th stream cleanup in my Watershed -- which is 470 square miles in Morris, Hunterdon, and Somerset counties; so one little corner of New Jersey -- we had over 1,300 volunteers turn out for the stream cleanup. The people of New Jersey take this issue very seriously, and they take it very personally. This is an important issue for them; and it's one they can grasp, both literally and figuratively.

Last year, our stream cleanup volunteers pulled more than 14 tons of trash out of the waters of the headwaters of the Raritan; more than

14 tons in a 470-square-mile area. To give you some historical context, 15 years ago we were pulling about 7 tons of trash out.

One of the differences that we see now, versus 15 years ago, with the trash we're pulling out, is 15 years ago it tended to be big things: refrigerators, parts of cars, things like that. Now the 14 tons of trash that we're pulling out a year is almost -- not entirely, but almost exclusively -- consumer trash: plastic bags, plastic bottles, food containers, etc. Fourteen tons in a 470-square mile area

This is a big issue, so I think this Resolution is a great idea. I think a cooperative effort at different levels of government, as well as working with the people on the ground about for whom this is a very important issue, is great; it's an excellent start.

I thank you.

SENATOR SMITH: Thank you, Bill.

Any other comments from members? (no response)

Then a motion--

SENATOR BATEMAN: I'll move the Resolution.

GOVERNOR CODEY: Second.

SENATOR SMITH: A motion to move it; and a second from Governor Codey.

We'll take a roll call on that, please.

MR. PETERSON: On the motion to release Senate Concurrent Resolution 135, Senator Oroho left his vote in the affirmative.

Senator Bateman.

SENATOR BATEMAN: Yes.

MR. PETERSON: Governor Codey.

GOVERNOR CODEY: Yes.

MR. PETERSON: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. PETERSON: And Chairman Smith.

SENATOR SMITH: Yes.

And the Resolution is released.

GOVERNOR CODEY: Chair.

SENATOR SMITH: Yes, sir.

GOVERNOR CODEY: I just want to say something.

Today is Phil Gregory's last day here--

SENATOR SMITH: Yes.

GOVERNOR CODEY: --as a reporter with public radio. he
was always a gentleman to all of us--

SENATOR SMITH: Yes.

GOVERNOR CODEY: --and everybody.

And it was a pleasure dealing with you, Phil. God love you, and
God bless you.

PHIL GREGORY: Thank you. (applause)

SENATOR SMITH: Governor, I will let you know he
mentioned that on the way, as I'm walking in. And I told him that if it
would be an inducement to keep him reporting, that we would actually
move the meeting to the location of his preference. He said it's not enough
of an inducement. (laughter)

SENATOR BATEMAN: He's done this for 47 years. So that
alone -- he deserves an award for that.

GOVERNOR CODEY: I can relate to that. (laughter)

UNIDENTIFIED MEMBER OF AUDIENCE: You still call him kid, right?

SENATOR SMITH: And let's hear it for people who promote the First Amendment; not a bad thing.

MR. GREGORY: Thank you, sir.

SENATOR SMITH: So, the next item of business, let's take a look at -- as long as we're in a cooperative mood -- let's go to SCR-137, which urges the DEP and EDA to establish a plastics marketplace. And that is by Senator Smith and Senator Sarlo.

The point of that Bill is that -- and this is part of the testimony, again, from the Toms River hearing -- is that the country of China will no longer accept our plastic bag waste unless it's perfectly clean. And we are moving more and more towards single-stream recycling; our bags are dirty, they're not accepting them, and they are piling up -- they are literally piling up in New Jersey.

And we don't have our own serious commercial recycling program to take whatever plastics are being generated -- hopefully, after our Bill it won't be single-stream bags -- but there are still going to be plenty of plastics. If the last Bill passes, I think we're taking about 60 to 80 percent of the plastics out of the environment; but there are still plenty left.

So you still need a recycling effort; and this is an effort to try and get DEP and EDA to establish a marketplace in the State of New Jersey.

So again, we have some witnesses. Bill Kibler, Raritan Headwaters, in favor, no need to testify; Doug O'Malley, Environment New Jersey, in favor, no need to testify; Henry Gajda, New Jersey League of

Conservation Voters, in favor, no need to testify; and Jeff Tittel, with a need to testify.

Mr. Tittel.

MR. TITTEL: I just want to say that I think that having the Resolution is good, but we really need to get those agencies to act and to move forward.

At one time, Rutgers was doing some really groundbreaking work. And they had a -- we gave money for a company called *Poly-Wood*, which was one of the first plastic wood companies. And we never followed up on it.

So, you know, we've done it in the past; and we need to not just pass resolutions, but we really need to get them to actually work together to start coming up with it.

First is to -- as we know in the environment -- reduce, reuse, and then recycle. And we need to, really, get these agencies to do the jobs that they did 20 years ago.

SENATOR SMITH: Thank you for your comments.

Any comments from members?

SENATOR BATEMAN: No, I just have signed on as a co-whatever -- sponsor and prime on this. I think you have a co-prime, so I'll probably be a co-sponsor.

SENATOR SMITH: Yes, yes, yes, yes, yes.

GOVERNOR CODEY: Sign me up, too.

SENATOR GREENSTEIN: Me, too.

GOVERNOR CODEY: Yes, everybody. (laughter)

SENATOR SMITH: Okay.

SENATOR GREENSTEIN: Me too. (laughter)

SENATOR SMITH: Me too is okay.

So that's Senate Concurrent 137. Senator Bateman is a co-prime, and we'll make Governor Codey and Senator Greenstein as a co-sponsors, if we can get them the appropriate slips.

SENATOR BATEMAN: And I'll move the Resolution.

GOVERNOR CODEY: Second.

SENATOR SMITH: Motion, and a second; motion by Senator Bateman, second by Governor Codey.

And let's take a roll call on release.

MR. PETERSON: On the motion to release Senate Concurrent Resolution 137, Senator Oroho left his vote in the affirmative.

Senator Bateman.

SENATOR BATEMAN: Yes.

MR. PETERSON: Governor Codey.

GOVERNOR CODEY: Yes.

MR. PETERSON: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. PETERSON: And Chairman Smith.

SENATOR SMITH: Yes.

And the Resolution is released.

Let's go to Senate Concurrent Resolution 136.

And let's talk to you about what that's all about.

The title on it is -- it urges the Federal government to take action to require manufacturers of single-use plastic products to assume responsibility for pollution caused by those products.

And again, back to our testimony, a couple of comments.

What was clear from the testimony is that most plastic products currently don't typically biodegrade, but instead break into smaller pieces. These materials continue to accumulate in the natural environment and in the marine environment is single-use plastic products, they breakup down, they degrade into smaller and smaller pieces -- referred to as *microplastics* -- which are eaten by fish and other marine life, which can enter the human food chain.

So plastic manufacturing in this country is the third-largest manufacturing industry in the country. And the manufacturers of single-use plastic products enjoy the financial benefits from the sale of these products, but they don't assume any responsibility for the costs associated with the afterlife of the products, or the environment damage.

So this is a little like our history with things like tobacco. You're producing a product that has an adverse impact on not just the environment but, as we're finding out from the Rutgers and Princeton professors, also on human health. This is a public health problem, not just -- and I hate to use the word *just* -- and also a significant environmental problem.

So here you're saying to the various governments to take a look at this. You know, maybe we should be asking the plastics manufactures to assume some of the financial responsibility associated with cleanup for the impact of their products.

It doesn't file a lawsuit--

SENATOR BATEMAN: It talks about litigation; that's one of my concerns.

SENATOR SMITH: Yes, yes, yes.

SENATOR BATEMAN: I mean--

SENATOR SMITH: Well, it does talk about litigation, but there can't be a free lunch. You know, if you're going to produce a product that has that kind of impact, you should be part of the solution, not just part of the problem. So yes, it's a little--

SENATOR BATEMAN: But Chairman, shouldn't it--

SENATOR SMITH: And by the way--

SENATOR BATEMAN: May I ask you a question?

SENATOR SMITH: Discussion; yes, Senator.

SENATOR BATEMAN: But should it be perspective? I mean, can we blame them for individuals who don't take the environment seriously and pollute? I mean, can we make that correlation, that link, because they're producing something which you can argue has a lot of beneficial uses -- plastics. It's very damaging to the environment, but it does have some beneficial uses. Can we make that correlation between them producing it, and going after them for the pollution?

SENATOR SMITH: Well, number one, this actually doesn't *go after them*. It says we should look at it. But that being said, maybe sending that kind of a signal to the plastic industry gets them to start revising the nature of the plastics that they're producing, all right? So I think it's a shot across the bow; but I think in light of what this is doing to the environment, and now human health, I think you have to send the shot across the bow.

Just my prejudiced view of the world.

Any other warm-up comments? (no response)

All right; then let's hear what people have to say.

Margaret -- is it Gorman? Margaret Gorman, from the American Chemistry Council, opposed, no need to testify; Bill Kibler, Raritan Headwaters, in favor, no need to testify; Mike Egenton, New Jersey State Chamber of Commerce, opposed, but no need to testify; Chrissy Buteas, from NJBIA, opposed, no need to testify; Brian Hackett, Humane Society of the United States, in favor, no need to testify; Lena Smith, Food and Water Watch, in favor, no need to testify; Henry Gajda, New Jersey League of Conservation Voters, in favor, no need to testify; and two witnesses.

Doug O'Malley, in favor.

Doug.

DOUG O'MALLEY: Thank you, Chairman.

And welcome, Kate, to the Committee; and then I also wanted to thank the Governor and Senator Bateman for their well wishes to Phil. He's spent nine years here with WHYY; but as the Senator said, he spent 47 years in radio. I think that's competing with Gene Dilliard as the Dean of Radio here at the State House radio press corps. He will be missed.

I wanted to start my testimony by thanking the Governor and the Chairman for their support of this Bill. It is just a Resolution; and Senator Bateman, you're correct to say -- what's the real-world impact here. And this is a Resolution that would encourage the Attorney General of the United States, if needed, to consider litigation options. Obviously, we all know the Trump Administration and Attorney General Jeff Sessions are not going to do that right now. But this is a Resolution that is sending a message; its talking about the full life cycle, the cradle-to-grave, of our

single-use plastics in this state, and what can we do and what can the industry do to reduce it.

And specifically the models, Chairman, that you worked with in electric waste recycling, I think have a lot of comparisons here, and I'd also say that the model of the Superfund Tax to ensure that industry is doing whatever it can to mitigate environmental impacts.

And I'll just conclude by saying there are currently 165 million particles of plastic in the Raritan Bay right now. They did not just appear there out of nowhere, and we need to ensure that we're reducing and, ultimately, eliminating the number of plastic contaminants in our waterways and, ultimately, in our drinking water.

Thank you.

SENATOR SMITH: Thank you, Doug.

Jeff Tittel, Sierra Club.

MR. TITTEL: Thank you.

I just want to say that this Legislature and this State has always been a leader in the concept of *pollute or pay*. And the reason is, partially, because it works. Because when companies realize that they have to pay to clean up their mess, there's a potential they will make a better, safer product. We saw that when we've done things on inherently safer technologies when it comes to chemical plants and other things.

So I think this is a good step in the right direction, just to say that we need to get businesses and government working together to make things better.

You know, we found more than 3 million plastic particles per square inch in parts of the Passaic and Raritan rivers above water supply intakes. You can't filter that out; that's getting into our water supply.

We heard testimony from recycling companies about how, when they try to do sort separation, the plastic bags clog up their machines, and really hurt the efforts of recycling.

And so I think this is more about sending a message to really get businesses and government to cooperate, and to help reduce, and make things better.

Thank you.

SENATOR SMITH: Thank you for your comments.

And that concludes our witnesses.

Any comments from Committee members? (no response)

SENATOR GREENSTEIN: Motion.

SENATOR SMITH: All right; motion to release by Senator Greenstein.

GOVERNOR CODEY: Second.

SENATOR SMITH: Second by Governor Codey.

MR. PETERSON: On the motion to release Senate Concurrent Resolution 136, Senator Oroho abstains.

Senator Bateman.

SENATOR BATEMAN: I'm going to abstain, too.

MR. PETERSON: Governor Codey.

GOVERNOR CODEY: Yes.

MR. PETERSON: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. PETERSON: And Chairman Smith.

SENATOR SMITH: Yes.

And the Resolution is released.

And now for the main event. (laughter)

So a little background information.

Again, if you haven't gotten your transcripts, you want to get your transcript, all right? This is a serious environmental and public health crisis.

So a little description of the Bill.

And by the way, there's a substitute Bill; are the substitutes on the table?

MR. PETERSON: There are copies on the table.

SENATOR SMITH: If you haven't gotten a substitute Bill, you want to get the substitute Bill.

The substitute Bill would ban single-use plastic film carryout bags, polystyrene foam -- commonly known as *Styrofoam* -- food service products, and single-use plastic straws. Additionally, the Bill would place a minimum of a 10-cent fee on paper bags, and require 5 cents from each paper bag to be remitted to the State and placed in the newly created Plastic Pollution Prevention Fund.

The ban on plastic products and a fee on paper bags would go into effect one year after the Bill is signed.

Now, what's the reasoning for all that? Number one, those three products are the three products that are having the greatest impact on New Jersey waterways and on our environment. One of the really insightful comments at the hearing were the comments from Clean Ocean Action.

You know, they do the annual Beach Sweeps in New Jersey; they've been doing it for years. So Cindy Zipf--

UNIDENTIFIED MEMBER OF AUDIENCE: Zipf (indicating pronunciation).

SENATOR SMITH: --came forward; and the numbers were staggering, again.

(peruses his files)

My plastics file is too big. (laughter)

All right; I'm going to ask Kate to find the number, and then we're going to come back to you with the number. But it's absolutely huge.

And then the comments from the good doctors -- the Ph.D.s -- also staggering.

So, for example, Keith Cooper, I think-- And I think we have Dr. Cooper here, right? So we're going to have you up in a second.

But he talked about studies in New Jersey; about the degree of plastics bioaccumulation in our waterways, and now in our fish. So one of his comments, "So it turns out that where we saw the highest densities of microplastics were at the two farthest upstream locations -- Livingston, New Jersey, and Bridgewater -- which we did not expect to see. And that was under dry weather conditions. When we had wet weather, we started seeing the microplastics building up in places like Lyndhurst, further down the Passaic, out near the Bay."

And by the way, if I'm a legislator who has those towns in his or her District--

So another comment from Dr. Cooper.

“So the plastic itself may only be part of the story,” as Dr. Cooper mentioned. “We found over 300 -- we identified over 300 organic compounds that were attached to these pieces of plastic. And they weren’t the same at every location. So we saw patterns where certain places had a high accumulation of these organic compounds; Elmwood Park was one place. We think it might be because it’s above the Dundee Dam, so things might be collecting there in higher concentrations. But the two places where we saw the highest densities...were Raritan Borough and Bound Brook. So these patterns are not consistent along the reach of the river.” But it’s everywhere in New Jersey.

So the Bill says, within a year, let’s get these three big items off the table.

It also creates a Plastic Pollution Prevention Fund, administered by the DEP. Any penalties collected as a result of violations would go into that fund, and also the nickel-a-paper bag would go into that fund. And that would help in terms of setting up that -- hopefully, a State recycling -- plastics recycling, hopefully in the private sector, to continue to recycle plastic.

There’s also -- and not to get all the enviros crazy -- but there’s also an annual exemption review. That one of the things -- when I talked to the Senate President, he said, “You want to be small-business friendly.” So there is a way to come to the DEP and request an exemption, a year at a time, when there are not feasible alternatives. And there is also-- If you remember in Senator Ruiz’s Bill, she had what was euphemistically called the *Bodega Exemption*, where small businesses could be exempt. And that’s in here, too.

And then it also requires that the DEP, within a year after the Bill goes into effect -- that they report back and we see how we're doing.

So anyway, it's a big Bill, and it requires New Jersey citizens to change their lifestyle. You know, when you go get your groceries, you're going to be bringing in your bags -- the reusable bags -- to bring the groceries out of the market and take them home. That's one of the things that has to happen.

SENATOR BATEMAN: If I may, I have a question while you raise that point.

SENATOR SMITH: Sure.

SENATOR BATEMAN: Because education is so important--

SENATOR SMITH: Right.

SENATOR BATEMAN: --in this regard. Obviously, it won't take effect for a year, once the Governor signs it-- Which probably won't be for a month or two, because it still has to go to Appropriations; it has to go through the other house.

SENATOR SMITH: It will take longer, honest.

SENATOR BATEMAN: It will probably take longer than that.

SENATOR SMITH: This is a tough Bill.

SENATOR BATEMAN: But should we have a year from that point to transition? Because we're trying to get the public away from plastics; but yet, we're going to charge them 10 cents for a paper bag.

SENATOR SMITH: Right.

SENATOR BATEMAN: So, I mean, should there be a time period in there to educate the public, saying, "You know, we're trying to get plastics out of the waste stream in a year from now--"

SENATOR SMITH: So in other words, have an exemption on the paper bags for some period of time--

SENATOR BATEMAN: The fee.

SENATOR SMITH: --before the fee kicks in. That's not a bad suggestion.

SENATOR BATEMAN: I think you're hitting them twice.

SENATOR SMITH: That's not a bad suggestion.

SENATOR BATEMAN: I mean, two shots; you're hitting them back-to-back. And maybe they need-- Once people get educated-- And a lot of people are using the reusables right now.

SENATOR SMITH: Right.

SENATOR BATEMAN: I mean, my wife will use them, but a lot of people don't. But if you tell them--

SENATOR SMITH: Give them a transition--

SENATOR BATEMAN: Transition--

SENATOR SMITH: --and tell them that the price of poker is going up.

SENATOR BATEMAN: It's something to think about.

SENATOR SMITH: I think it's a pretty good idea, actually.

SENATOR GREENSTEIN: I like that idea.

SENATOR SMITH: It's a pretty good idea.

How does-- And, I mean, we haven't heard any testimony yet, so why don't we discuss it after we get the testimony?

SENATOR BATEMAN: Absolutely. I have a couple of other concerns, but let's hear the--

SENATOR SMITH: Oh, and by the way, the beach cleanup numbers -- I guess Kate did find them -- these are the 2017 results from Clean Ocean Action. And this was a six-hour clean up; six hours: 373,686 pieces of debris; 84 percent of every item collected was plastic or Styrofoam; 9,052 store shopping bags; 31,167 straws; 928 fast food foam containers; 3,455 foam cups; 21,117 foam pieces. This was in 2017; six hours of clean up at the Jersey Shore.

Do you want to go to a beach that's an ashtray or a garbage can, or do you want to go to a clean beach?

So with that prejudicial comment (laughter), let's start taking some testimony.

So in the category of *no need to testify*, Lena Smith, Food and Water Watch, in favor, no need to testify; Laurie Ehlbeck, from the NFIB -- which is what?

SENATOR BATEMAN: National Federation of Independent Businesses.

SENATOR SMITH: Okay. Opposed, no need to testify; John Holub, New Jersey Retail Merchants Association, opposed, no need to testify; and Jaimin Shah, Asian American Retailers Association, opposed, no need to testify.

All right; so our first witness is going to be one of our academic superstars from the August hearing -- I'd ask Keith Cooper to come forward. Keith is from Rutgers University.

I assume it's *Dr.* Keith Cooper, right?

KEITH R. COOPER, Ph.D.: (off mike) Yes.

SENATOR SMITH: Everybody is a Ph.D. (laughter)

Come on up.

And my recollection is you're also the Chairman of the New Jersey Drinking Water Institute.

DR. COOPER: Yes, yes.

SENATOR SMITH: Great; we'd love to hear what you have to say.

DR. COOPER: All right; thank you very much for inviting me.

I would like to say that my background is in environmental and comparative toxicology; and I do a fair amount of work on fate, transport, and risk.

So one of the reasons why our laboratory, with Dr. Beth Ravit -- we started to look at the questions about the microplastics in surface waters. And as the Chairman had stated earlier, we were surprised at some of the results that we found. This issue has been -- being recognized for a number of years. The question has also been how extensive is it, both within freshwaters, estuaries, and going into the oceans.

So the utilization of plastics-- We realize that is a commercial product which is going to be continued to be used. But this Bill is important -- and I really support it, and I applaud you all for doing this -- because it starts to look at the utilization of plastics which are used only a single time. The single-use approach is not sustainable; and that's part of the issue that you have to look at when you're looking at any type of large production product. How sustainable is it once it gets in the environment? And we know that these particular products -- once they get in, literally they are in the environment for 500 to 1,000 years, depending on where they're actually ending up.

And as I said before, the smaller particles, as they break down, also pose health effects and environmental effects to the organisms.

So the Bill establishes a mechanism by which both outreach and education of the public -- both as an individual consumer and the businesses -- benefits those particular people, as well as the people within the state. I applaud that; because as we are all aware, that in order to educate the public we need to have a robust outreach approach to change the habits. And that's part of the reason why this Bill is also extremely important, because it also sets up a mechanism by which you can utilize some of those funds for direct outreach; and working, as I said, not only with the individuals, but with the small businesses -- how do we approach them?

It also establishes a statewide approach that will begin to reduce the volume of single-use plastics and Styrofoam, stimulate the development of replacements that have less environmental impacts, and begin development of remediation alternatives that have less of an environmental and human impact. I think those three components are extremely important, and are included within the Bill; and I applaud you for that.

I think, also, that there needs to be an industrial revisitation of what we call *life cycle analysis*. And the reason I'm saying that-- Life cycle analysis is really from production -- the components which are comprising the plastics, how they're made, how they cycle through the environment itself.

And also, the problem has always been that life cycle analyses has always pretty much stopped once it's gone into the consumer product. And it has not included, in it, as much into the remediation cost or the

potential health impacts. And I will say this: As long as industry realizes that there is no direct cost to them over the long-term for their long-term activities, they will not necessarily initiate appropriate things. So the legislation is one of the ways in which you can fulfill that requirement -- that they start to look at this.

Now, as you said before, I am the Chairman of the New Jersey Drinking Water Quality Institute. And in some ways I would actually-- Sitting here listening, one of the things that I would actually support would be within -- utilizing the DEP, or the DOH, or these others to actually establish a group, which is not only academics -- like the Drinking Water Quality Institute -- but also has industry; has the stakeholders involved in it. And actually put together a group that is, sort of, a working group to, sort of, shepherd some of these ideas through to see how they can actually progress, and actually move through to make recommendations.

Because it is really important to understand that industry-- Although lots of times we paint them as black -- in black hats, plastics do a tremendous amount of good in the country. The problem is that the sheer volume of it and the impact on the environment and human health needs to be taken into consideration.

But I think that getting all of the groups together is extremely important; because through different ideas, you get new innovations. Like, I like the idea -- which was proposed earlier, that was a unique idea in some ways -- of saying, "Okay, let's not double-hit on the plastic bags. Let's allow them to-- " So discussions like that is what is needed.

And in my closing remarks, I highly support this Bill and the -- on things. And I just want to say that I want to invite-- This is also a

Federal issue; and the National Institute for Environmental Health Issues has funded us to put together an international-national meeting in the beginning of April. And that particular meeting -- I would like to invite the industry, all the NGOs, and your Committee, as well as interested people to come, and actually have a robust discussion on these. What are the implications? What I found working with the DEP, working with the New Jersey Drinking Water Quality Institute, is if you do not get buy-in from most of the stakeholders-- We've already identified the hazard; now we have to go in and identify how we're going to reduce the risk, both to the environment and to the people who are being exposed to it.

Thank you.

SENATOR SMITH: Doctor, thank you.

Any questions for the good doctor?

SENATOR BATEMAN: No; but if I may comment.

I do like his idea about the stakeholder group.

SENATOR SMITH: Plastics Advisory Council.

SENATOR BATEMAN: Yes.

SENATOR SMITH: Another good idea; absolutely.

Anything else? (no response)

All right; our next witness, Jeff Tittel, Sierra Club.

SENATOR BATEMAN: I just want to know if he gets paid every time he testifies. (laughter)

MR. TITTEL: That's supposed to be Codey's joke.

GOVERNOR CODEY: Whether or not his good line got in the paper or not. (laughter)

MR. TITTEL: I just want to thank the Committee, and also the Governor; because sometimes from vetoing a bill that's not so good you get a Bill that's a lot better. And I think this is where we should be.

This is the strongest and most comprehensive plastics legislation in the country right now. And you have to look at it -- that the key part of this Bill is that three of the worst offenders of plastic pollution are targeted in this Bill: single-use plastic bags, polystyrene food containers, and straws. So no matter what else you hear, or whatever little tweaks here and there people may want to talk about, the key is this Bill is a huge leap forward environmentally for this state and for this country.

Because I believe if we pass this Bill, other states will be looking the same way. We've seen California ban plastic bags; Seattle has banned straws; I'm from the town of Lambertville, and we passed all three. And I'm going to talk a little bit about that, because I think it goes into implementation.

So I think no matter what, this Bill is terrific. There's going to be some work to get it passed, and tweaks here and there. But the main thing is, that when you think about where we were a year ago, and where we are today, this is absolutely huge; and I think you have to look at it in the big picture for the State and, potentially, for this country.

First and foremost, we know plastic bags are a scourge on the environment, clogging storm drains, messing up recycling -- everything else. We have these massive islands that are becoming continents in our oceans. We see storm drains flooding; we see stuff in storm drains, you know, and flooding because of plastic bags.

So the point I want to make is that they're clogging storm drains, they're causing -- they found 18 pounds of plastics bags in a whale; birds-- They've become a menace. We also know that when they break down in the environment, they end up getting into the water supply and to us. So we know we have a serious problem, and this Bill will go a long way to help deal with that.

And the point about plastic bags is that they're also made because of fracking and natural gas. Because it's the -- it's when they take out the methane and the propane from the natural gas, the leftover ethylene is used to make these bags. So this is also important when it comes to dealing with pipelines and the whole issue of fracking, because this is one of the byproducts. And so by stopping the use of these bags, we're also dealing with that issue as well.

And what we have seen around the nation -- and that's why this Bill is so important -- where we've gone to a pure ban, with a 10 cent fee on paper, we've seen the best results. Los Angeles County saw a 94 percent result when they went to do this. In San Jose they saw an 89 percent reduction in plastic bags in their storm drains. And so for us, the big thing about the Bill is the ban. What happens with that 10 cents, I think -- to me, it doesn't matter as much as having the ban.

What happened in California -- the 10 cent fee went to the food stores and the others to pay for the paper bags; and that got their support. So in L.A. County the supermarkets there, and the Food Council, went from *opposed* to *support*.

And so if we do that here, that's fine. And then the Fund can only be funded by, maybe, fines. We also should look at -- if we do have

this Fund -- for education and enforcement; and maybe the towns that may have to be the ones doing the enforcement should get some of the fines. Because in Lambertville, where we did the ordinance, it's going to be the town's code enforcement people who are going to enforce the ban on plastic bags and straws there. And so it may help with the League of Municipalities, and that, to do that as well, so they get a piece of the enforcement to pay for that inspection. Because we're not going to be sending DEP to inspect the supermarkets. People are going to do it-- When they come in to do their normal code enforcements anyway, they'll be looking to see--

And again -- and the fines and that -- it's not somebody giving out a plastic bag who is going to be fined. It's when the building inspector comes in and sees a pallet of plastic bags -- that's when you're going to get the citation. It's not somebody just "Oh, I have an extra plastic bag," and they put a carton of milk in it, and they give it to somebody. Nobody is going to get fined for that. It's not about going after the consumer; it's about going after the businesses that deliberately break the law. That's fake. To look at the enforcement piece.

The education piece is critical. In Lambertville, we've put together, with the Environmental Commission and local businesses-- Because many of the businesses in town came out to support it. Many of the-- I mean, if you go to Lambertville -- from Broadmoor, to DeAnna's, to owowcow, and all the -- you know, they support it. And they're working with the other businesses, with the Environmental Commission, to do the implementation and the education, which I think is the other critical piece.

And getting on to straws -- you know, when we do our beach cleanups, too, we find-- They found 50,000 straws in Ocean County when Sierra Club did their last beach cleanup there a few years ago. They've become a menace. They're not-- You know, they don't break down properly in the environment. And, too -- and I think this is the most progressive. Seattle has done it, and we can learn from Seattle and how they've implemented it. California passed a bill where you can't -- where you can't give a straw out anymore. This is better, because I think we're dealing with the issue.

And then, going to food containers. Polystyrene, when we make it, again, we're using a lot of toxic chemicals, from HFC to styrene. And you know, getting that out of the environment, and we know that we're finding Styrofoam in women's breast milk. It's another major health hazard, so banning it-- And there are a lot of alternatives; and, again, in Lambertville and other towns, they're working on those alternatives for that.

And so this is a really important Bill. And I think even having those councils to work on a waiver, if somebody can't get it, work; because it gives somebody a relief. We're not coming in here to say -- we're going to tell you exactly how you're going to live your life. What we're saying is, we have a serious health problem, we have a serious environmental problem, and we're going to start grappling with it. And here are the tools that we're going to have for you, the citizen, through education and why you should bring reusable bags. But also, for the businesses. And this is how -- the best way to implement it; these are the other products that are available out

there. And every day there are more and more products coming out to replace the food containers as well.

So we think this Bill is really an important step forward for the State.

And I want to thank you; and I'll take any questions, if anybody has any.

SENATOR SMITH: And questions for Jeff? (no response)

Thank you very much.

And I'm going to try to go back and forth.

Ed Wengryn, New Jersey Farm Bureau, opposed.

E D W E N G R Y N: Chairman, members of the Committee, thanks for holding a hearing today.

I'm one of the people who just got the amendments this morning. So we had some concerns and questions, more about the Bill than actually being imposed -- outright opposed.

SENATOR SMITH: Okay.

MR. WENGRYN: And hopefully we can, though discussion, solve some of those things.

We've been looking into -- we know a couple of the farm counties and stuff that do corn starch-based plastics, and we're trying to find out their breakdown, and how effective they are in actually being biodegradable in the environment. So we're still looking at that situation.

We have some questions on the use of the Styrofoam trays for meat, fish, and poultry. A lot of farm markets, and also farm producers, now do pre-cut, packaged, ready-to-go, take home and cook. Asparagus is usually wrapped that way; green beans are wrapped that way. And

vegetables were left off that list, so we'd like you to reconsider, looking at how fresh produce uses those containers for both shipping and take home, ready-to-use food service prep.

Again, because it says a *carryout plastic bag*, we also have people who go to a farm market, and they'll pick out two or three tomatoes and put them in little plastics bag. And then they'll separate all their stuff -- potatoes will go into one, and they keep it. But then they may not take a big plastic bag, or have a carryout bag for themselves; but they'll grab all four bags together and carry them out. Is that now -- those food safety bags, are they carry-out bags?

So these are some of the questions and concerns we have, looking at the Bill, going forward, that we'd like to see clarified. You know, it was very nice for Jeff to say, you know, "We're not going after the consumer. We're looking for a store, with a big pallet of bags, ready to go." But it says *a ban*; a store shall not give-- And so if those plastics bags are being given, are they then subject to the fines and penalties outlined in the Bill?

So those are our concerns, and we wanted to bring them to the Committee's attention.

SENATOR SMITH: Okay; we appreciate the comments.

And through the legislative process, I'm sure we'll be able to deal with them.

MR. WENGRYN: All right; thank you.

SENATOR SMITH: In favor -- is it Noemi de la Puente (indicating pronunciation)?

N O E M I D E L A PUENTE: (off mike) Noemi (indicating pronunciation).

SENATOR SMITH: Okay -- from the New Jersey Environmental Lobby, in favor.

MS. DE LA PUENTE: Thank you, thank you.

I have a few gifts for you all.

SENATOR SMITH: Actually, you don't want to say *gifts*. (laughter) It makes the ethics people crazy. You have *information* for us; thank you.

MS. De LA PUENTE: I have *information* for you; with a special packet of information for Senator Smith, which contains information I downloaded from the Seattle Public Utilities, that addresses how they communicate with merchants on all of the non-biodegradable and non-compostable ware that they have banned.

Seattle banned Styrofoam in 2009; in 2010, Seattle banned all non-compostable, non-biodegradable, and non-recyclable ware that is used in any kind of food service distribution to the public.

So I thought it would be useful for you, moving forward, to have that information.

SENATOR SMITH: Thank you.

MS. De LA PUENTE: Yes.

So the little packet of information that I've handed out -- let's just skip to the numbers and go to the pictures.

The first picture looks like this (indicates) in the packet. This is from the EPA Municipal Solid Waste Report. This picture is from the

Waste Report of 2012; the other picture is from the Waste Report that was just put out.

This shows a very successful picture, and a very epic fail picture. You can guess the successful picture is this rising line (indicates), which is the amount of plastic waste that we put out as a nation; and the flat little humble line at the very bottom (indicates) is the amount of plastic waste that we actually recycle or recover for energy. So you can see that we need to do a lot, in order to catch up to get this bottom line closer to this top line.

And the numbers are attached for your staff and for your further review.

If you go this picture (indicates) -- which is from the most current EPA Municipal Solid Waste Report -- you'll see that we've gotten, as a society, marginally better at burning plastic than we have at recycling plastic. And the landfill is the gray amount, and it's still an enormous part. So anything that you can do-- This Bill, in particular, is a great first charge at this.

I just want to also alert you to the fact that our neighbor across the Hudson, New York City, is implementing a Styrofoam ban on January 1, 2019. They had a long and arduous relationship with the Styrofoam industry that involved a lawsuit, involved a very comprehensive study by Sanitation Commissioner Kathryn Garcia. And she came to the conclusion that Styrofoam used in the food industry is not recyclable at all. And so the courts upheld her findings, and that's why this ban, that has had several false starts, is now finally happening in 2019.

Just a reminder: Recycling is market-driven; so if nobody is willing to pay cost of transportation, plus collection, plus processing, plus your profit as the recycler, then you're not going to have a market. So keep that in mind, moving forward, as you think about market -- plastic recycling markets in New Jersey.

Regarding Bill S-2276 -- just specifically, I think Section 5a sets a minimum fee. That's great; that gives the retailer latitude to increase the price, should they stick with only paper bags. You may want to include some sort of recycled content provision so that we create a market for recycled paper, which is what San Francisco did.

I would say that you need to open up the language; because when you only say *paper*, that just means *paper*. There are many other types of plastic films and types of bags around, and they include compostable, biodegradable. And we can argue about the validity of those terms, which I won't argue; we can sidebar about that.

But I believe that if you just say *any bag* -- that there's a minimum price of 10 cents on any bag and not restrict it to paper, that leaves it open for other materials as they come into being. Because there is a lag between these cornstarch and polylactic acid-type plastic utensils and bags, that the Farm Bureau spoke of, and the commercial composting that is necessary to completely biodegrade them. So the biodegradable plastics is just a little bit ahead of our practices of source separation and composting of organic waste.

I suggest -- or the New Jersey Environmental Lobby suggests that you open up the language in Section 6, the Pollution Prevention Fund, to include public -- not just grants for recycling and other industry-related

things -- but public education, research and development, on how we, as a society, move away from disposable plastics. How do we adjust our food supply chain so that they use less disposable plastic? How can we implement refillable stations at supermarkets for things that we use up all the time, like laundry soap and shampoo? I've seen this done at small stores in New York City, where one small organic grocery store has pump dispensers for shampoo, and conditioner, and body wash. And you go with your container and you fill it up there.

So I think that the research -- it needs to be deeper, and it needs to cover monitoring; how are our efforts in plastic pollution reduction working? Is there something that's working really well? Can we amp it up? Is there something that's working poorly, so it's not worth the agita to industry?

And lastly, I think that we need to have provisions for providing reusable bags for those who don't have access to them, or for those who don't -- can't afford them. Like, at Pennington Day, you can get, like, a hundred reusable bags. But where is that happening in Trenton?

I also encourage the Committee to think about having a provision for reducing the fee or forgiving the fee for any SNAP or WIC transactions, so that those who are on that kind of income assistance do not face that financial burden. It's really hard to be poor. I hope that we make it not harder; you know, that we don't make it harder.

And I just want to drive the point home -- look at your desks, and look at what you're drinking out of, and look at what your muffins are wrapped in, and stuff. And how many of you leaders have one of these (indicates)? It's a very simple adjustment; and that's what I mean by that

research and development. We need to dig deep into our societal accepted assumptions and see: Are they valid or not? I encourage you, each member of the Committee, to get some kind of reusable bottle that you can have your coffee in. You're busy people; you get coffee on the go, drinks on the go. This is hot and cold. So we need to be the change.

And so I put my contact information on the data, if you need to speak with me.

I also just want to let you know that on June 6, 2018, the President of Costa Rica signed a directive instructing the Ministers of Education, and Justice, as well as Social Security, to stop the purchase, use, and consumption of single-use plastics; so that is single-use plastics across the board. So it can be done by leaders.

Thank you.

SENATOR SMITH: Thank you for your comments, and some really good suggestions.

Dennis Hart, Chemistry Council of New Jersey, opposed.

D E N N I S H A R T: Good morning, Mr. Chairman.

I also asked Margaret Gorman, from the American Chemistry Council, to join me.

SENATOR SMITH: Sure.

MR. HART: Thank you.

This morning -- Mr. Chairman and members of the Committee, thank you for allowing us to address you this morning on this very important issue.

My name is Dennis Hart, Executive Director of the New Jersey Chemistry Council of New Jersey.

Respecting your time, I'm going to give a brief opening statement, and then turn over my time to Margaret Gorman of the American Chemistry Council.

The banning of polystyrene food containers will have a dramatic negative impact on New Jersey businesses. For the most part, the public and businesses are not even aware that this is even under consideration. The food service industry and restaurants are marginal businesses at best, where small changes in costs can mean the difference between profitability or going out of business.

The reason that polystyrene products are used is because of their performance in keeping food hot or cold, easy to handle, and less costly than the alternatives. Not only are paper cups and cardboard food containers two to ten times more expensive, they do not give the customers the quality of the food that they demand.

Along with this, there needs to be -- as Professor Cooper talked about -- there needs to be an evaluation of the total environmental impact of all products. Paper products are 10 times heavier, there's more handling, there's more truck traffic, there's the resources that need to go into paper. You need to take-- If you're going to look at one product, I think all product evaluations have to go on.

If you just look outside this building in Trenton-- I've been working in Trenton, now, for almost 40 years. There are very few restaurants left; if you walk between here and DEP, there are very few restaurants left in Trenton. There are a few food delivery places that are having a hard time, struggling to stay in business. Something like this, causing their product costs to go up, could mean the difference between

having less food product businesses in New Jersey, and less in Trenton; and more people just calling across the river to Morrisville and ordering their food and having it show up hot from across the river, which would be less for business.

Back in the late 1960s and early 1970s, I was involved in our local Boy Scout troop, and we implemented one of, if not the first recycling program in the state. We had people drop off, on a monthly basis, glass, paper, magazines, newspapers. And we sold those products for our troop, for our events.

And you remember, in the 1970s and 1980s, people didn't think recycling of glass could happen. It was too cumbersome; they had all different separate containers. But over time, recycling of glass bottles, paper, then plastics, has become an everyday occurrence

And what we need to do is, is think about polystyrene in the same way. Polystyrene is different than what people have testified; it is recyclable. And this is the beginning of the recycling industry. So there are products-- And Margaret's going to talk about some of the recycling activities that are going on; some other folks are going to talk about that as well. But if we were to cut off that industry now, we're not following the same thing we did back in the 1970s and 1980s, when we implemented recycling of glass and bottles.

Combined with the recycling, we need to know that this is really a problem of littering. That's what's causing the issue. I looked at the same Clean Ocean Action, Mr. Chairman -- that report from 2017, with the 373,000 pieces of debris being picked up. Less than 1 percent are foam cups; there were 1,500 -- about 0.5 percent -- were paper cups. So next

time there will be 4,500 cups instead of Styrofoam, because people are not investing in litter control any longer. There used to be the funding from the Clean Communities Program for DEP to deal with litter control. There used to be advertisements against littering; advertisements that you don't see any longer. And we really think we need to also have an effort on anti-litter control efforts as well.

Finally, the banning of polystyrene products in public schools and institutions will cause an increase in costs to school systems and the State. And these schools and these institutions are struggling to make ends meet right now. While many schools are not able to afford to correct problems such as lead in their drinking water, they're going to be forced now to spend money to substitute products for their school lunch and breakfast program that are two to ten times more expensive than they have to pay right now.

So I ask that we take the time to evaluate polystyrene recycling management prior to taking this drastic action. It will have so many negative impacts in New Jersey.

And with that, I'll turn it over to Margaret.

M A R G A R E T G O R M A N: Thank you; and thank you, Mr. Chairman, for allowing me the opportunity to speak today.

I actually -- we've submitted written comment to oppose the Bill. I want to talk a lot about solutions today, truthfully, and how we can work with the State of New Jersey on other opportunities as well.

Littering is definitely a big issue with all sectors. Although plastics provide important benefits for modern life, plastics, polystyrene, and other trash should not be littered and not end up in our waterways.

Several cities and states have proposed bans on some products, like polystyrene foam food service products, as a way to solve the litter or waste problem. But we do know from experience that bans do not fix these issues.

We've certainly done a significant amount of work. We've done clean-up programs; we've partnered with states, we've partnered with groups. I was actually in a state last year-- The study in New Jersey was interesting, in that it was polystyrene and plastics only, when you were doing a beach cleanup. I was actually in an area last year in a state that had a ban in a particular city; and I was still cleaning up a lot of trash. There's a significant issue here, I think, with litter awareness and consumer awareness as well.

We've worked, nationally, on Wrap Recycling Action Program, for one; and that's actually a take-back program with grocery stores on polyethylene bags -- so your produce bags, wraps for paper towels, things like that.

But the issue is, the consumers don't know that that's actually happening. So we've worked in states -- Connecticut -- we worked with the Department of Environment Protection last year on increasing consumer awareness. We're working in New York right now on that as well. That's just a small part of the issue though.

I thoroughly agree with Dr. Cooper's recommendation on establishing a Task Force here to look at the issues. They've actually established one in New York state. This was started last month by the Governor's Office. It's being run by the Department of Environmental Conservation, and everybody is at the table. The American Chemistry

Council is a member; they have business groups, environmental groups. And a large part of this Task Force is actually the workers in the counties who are taking back all the trash, and how they're dealing with recycling issues. So from that work group they're breaking that down into education, consumer awareness, and recycling infrastructure, because a lot of this is coming from China not taking anything anymore. So that certainly has been a big issue as well.

Rhode Island came out as well. Governor Raimondo came out with an Executive Order recently to establish a Plastics Task Force. We're going to be involved with that too; and I think it's really going to be bringing every sector in that is impacted by this particular issue.

I also want to talk about polystyrene recycling, because we certainly don't agree with a ban. It can be recycled. There's actually a successful program in Sussex County, New Jersey, right now. They are taking polystyrene products. It's an award-winning program where Sussex County Municipal Utilities Authority partnered with Foam Cycle, and they manufacture densifiers to provide a drop-off program for residents. So then they're selling that to an in-state company, called Princeton Molding, who is recycling polystyrene and using it to make plastic frames. So you have the program happening, and they're selling it to an in-state business, who's actually using it. And I understand Princeton Molding also sent a letter to the Committee as well, just opposing the Bill.

So aside from Sussex County, there are also opportunities for other municipalities in New Jersey. There's also Foam Recycling Coalition, that was established by industry a few years ago, to try to deal with this problem, funding grant programs that counties can apply for to recycle. I

know there's one happening in Madison County, New York that's successful right now. There's a drop-off location in Yonkers, and there are programs all over the country on polystyrene recycling. So there are definitely opportunities out there.

So just to close, we certainly don't agree with the ban, and certainly support solutions that we can come together on the issue with recycling.

And thank you for your time today.

SENATOR SMITH: Thank you for your comments.

Any questions? (no response)

All right; then Douglass Kellogg, Americans for Tax Reform, in opposition.

Are you here, Mr. Kellogg?

DOUGLAS KELLOGG: (off mike) I'm here.

Thank you, Chairman Smith; and thank you, Senators. I really greatly appreciate you listening to our testimony today on this important issue.

My name is Douglas Kellogg; I'm State Projects Director with Americans for Tax Reform. Americans for Tax Reform was founded in 1985, at the request of President Reagan, by Grover Norquist, to advocate for tax reform.

Today we advocate for taxpayers; and we advocate for policy that protects taxpayers, consumers, entrepreneurs, and fosters an economic climate that enables taxes to be as few, low, and simple as possible.

As someone who's been fortunate enough to live and work in New Jersey, and with family who's called New Jersey home, I'm always very

happy to be here. Unfortunately, the legislation I'm here today to voice our strong opposition to would make the state a more difficult place to live, work, raise a family, and run a business.

A first-in-the-nation ban on plastic bags, straws, and polystyrene containers is an over-aggressive policy that will punish your residents and businesses, and introduce a slew of unintended consequences, and still may fail to provide the intended environmental benefit.

A whopping 2 million people have left the state, between 2006 and 2014. Since 1992, departing residents have taken \$35 billion in income with them. This is to say that there is a significant burden on these folks, and they cannot afford to build a future in this state.

New Jersey remains dead last in business tax climate. The last thing this State needs is to continue to add to burdens for businesses in light of these statistics. Despite recent month-to-month figures improving on jobs, the State's labor force has lost 34,000 workers from August 2017 to August 2018; and a more whopping 61,000 workers since January 2015. An incredible 78 percent of revenue growth projected for next year is coming from tax hikes.

Again, these numbers go to show that the tax base is being jeopardized. Revenue is leaving. The State cannot afford to make the problem worse by piling bans on products that create jobs and efficiency for New Jersey businesses.

The plastics industry employs 18,000 people in the state. You have companies producing Styrofoam; and even those that recycle it will be hurt or potentially killed by a ban.

Foam containers are relied upon by moderately priced restaurants with a high number of take-out orders. Banning them will drive up costs for these business owners and reduce quality. Meanwhile, foam containers are convenient, reliable, FDA-approved, and safe.

Banning plastic bags means stores have to buy costlier bags and pass on that cost to customers. The transition will burden stores; perhaps even worse, lower income folks, and seniors, people who cannot afford to buy additional bags, carry them around in their car; people have to travel additional distances to reach a store -- they will be hit the hardest.

The straw ban is, frankly, based on a moral panic driven by social media-era virtual signaling and phony numbers that are crafted by a grade-schooler. Beyond imposing new costs on businesses, unintended consequences of a straw ban will hurt people with certain disabilities who rely on straws. And for what benefit?

An analysis by the Hemholtz Center--

SENATOR SMITH: By the way, you do know there's a disability exemption here; that if any person with a disability needs a straw, they can get it in a restaurant.

MR. KELLOGG: Yes.

SENATOR SMITH: Just FYI.

MR. KELLOGG: I understand that. It doesn't mean that it won't make it more difficult for them to access them.

The Helmholtz Center for Environmental Research found 90 percent of plastic going into the sea comes from 10 rivers; 8 in Asia and Africa. The legislation you're considering will not help this issue, will not help the global issue.

And I would point to your neighbors to the East, in New York, frequently pursuing poor policy on this front, who are not even being this aggressive. And Pennsylvania has also avoided this fate.

So for all these reasons -- and I thank you very much for your time -- I urge you to reject this Bill; and we submit ATR's strong opposition to Senate Bill 2776.

SENATOR SMITH: Thank you, Mr. Kellogg.

Jennifer Coffey, Association of New Jersey Environmental Commissions.

JENNIFER M. COFFEY: Good morning, Chairman, Senators.

Thank you for the opportunity to testify.

My name is Jennifer Coffey, the Executive Director of ANJEC, the Association of New Jersey Environmental Commissions. And our mission is to help municipalities make good decisions about the environment.

We are thrilled to see this Bill here today. It is a tremendous step forward in the right direction for New Jersey, for our country; and sets an example of the kind of leadership that we can show here in the Garden State.

Aside from giving short testimony -- which I know you all appreciate immensely (laughter) -- I would like to address just a few of the comments that I heard earlier today.

My organization is helping municipalities -- from north to south, from east to west -- pass bans, and fees, and work on stewardship and behavior changes for a variety of plastics. This is a solvable problem; and many of you have heard me reference the World Economic Report before,

that says by 2050 -- so by the time my 9-year-old niece is my age -- we will have more plastic than fish in our oceans unless we do something. And this is a big something that we're here talking about today.

SENATOR SMITH: Right; and that's by weight. We'll have more plastic--

MS. COFFEY: By weight.

SENATOR SMITH: --by weight than the weight of all the fish in all the oceans.

MS. COFFEY: Absolutely, Senator.

In California, they have done a really interesting approach in adopting a clean water policy that monitors microplastics and plastic pollution. And so I would encourage you to consider adding to this Bill a suggestion or a direction, to the Department of Environmental Protection, to adopt a monitoring program for plastics so that we know what we're doing is working; or if it's not working in the future, and we need to take additional action. And we'll continue to support that and provide assistance on it.

With regard to the paper fee that was discussed a little bit earlier, I would encourage -- given our research and our work with municipalities -- to keep the Bill as is, and to have the paper fee come into effect at the same time as the ban on plastics takes effect. The reason for that being, behavior change is hard. And my organization, and many of the environmental organizations here today, have been working on education for decades. And we need some additional action to swing the pendulum. And so rather than moving people from plastic to paper and then to reusable, let's try and do it all at once.

We'd also like to try to avoid swinging the pendulum from plastic to paper; and repeating what we saw happen in the 1960s. There used to be an advertising slogan that went something like, "Save a tree; use a plastic bag." And so we don't want to swing back in that direction; we want to move towards reusables.

With regard to polystyrene, I'd like to talk about that for just a moment.

In New York City, I was able to observe some hearings -- that were very similar to this one we're having today -- with regard to a polystyrene ban; and those happened a little more than two years ago. And New York City decided to move forward with a polystyrene ban for food service products, because they said, "There are all these problems happening in the environment; there are health problems happening with polystyrene. And so we want to move forward to eliminating that product in our society."

There was a lawsuit; and the lawsuit -- the end of the lawsuit essentially was industry and business saying "We can recycle this product," and we've heard some of that testimony here today. "We can do better with recycling this product." So the court said, "Okay, okay; we'll put a moratorium on this ban, and we'll see what you can do. And you prove to us, over the next two years, that you can enhance recycling of this polystyrene product in New York City, where we have an abundance of it. We have an educated population ready to do the right thing. And then we'll go back and we'll reevaluate. And if you've done your job, then we'll consider a permanent moratorium on the ban; and if not, we're going to put

the ban back in place, and we're going to get polystyrene out of our society."

And you heard, today, that polystyrene ban is going back into effect on January 1.

So let's learn from our neighbors; we've seen this show before. And so I would encourage you to keep the Bill intact as it is, because it's good language, its strong language, it moves New Jersey in the right direction.

The other issue with polystyrene is that when polystyrene connects with hot food -- either through drink, or soup, or hot fried foods-- So think about the school trays; a lot of our schools are using polystyrene trays. They're not using those hard plastic trays that many of us may remember. You put hot fries on that, it's starting to -- or hot soup -- you're starting to dissolve that polystyrene. Polystyrene includes styrene and benzene; these are neurotoxins and known carcinogens -- so cancer-causing elements. We don't need that in our food anymore; we have alternatives. We can do better.

And so, just in summary, I want to thank you for your attention to this matter. It is one of the most pressing environmental issues of our time. We don't need any new technology, we don't need to cure anything, we don't need to solve anything. This is behavior change and system change. So this is a very winnable environmental problem we can solve in our lifetime for the next generation.

So I just sincerely thank you all for being here and taking action.

SENATOR SMITH: Thank you.

Frank Brill, the Association of New Jersey Recyclers.

Mr. Brill, are you here?

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) He's coming.

SENATOR SMITH: Okay; Mark Daniels, Novolex, opposed.

M A R K D A N I E L S: Good afternoon, or good morning -- I'm not sure. Is it afternoon yet?

I'm Mark Daniels.

Just by way of background, I was born in Newark and raised in Cedar Grove, New Jersey. My grandparents built a couple of houses in Manasquan, just north of Lavallette in the 1940s and 1950s. My parents bought a house in Ocean Beach Shores, again, just north of Lavallette, in the 1970s. So I'm well-acquainted with the Jersey Shore, boated, and can testify to the fact that, at least with these two eyes, I have not seen, over decades, any plastic bags floating around in the Barnegat Bay or in the Atlantic Ocean where we live.

I am the Senior Vice President of Sustainability of Novolex. And Novolex is the nation's largest closed-loop recycler and manufacturer of plastic retail bags that are the subject of conversation today. We are also the nation's largest manufacturer of paper bags. We know the life cycle analyses; we've studied this inside and out. And to Dr. Cooper's -- I'd be happy to send him the Clemson study, which goes all the way through to end-of-life cycle.

Sustainability and environmental stewardship is key to our business. You know, we take pride in our environmental stewardship; and what we do -- we spent tens of millions of dollars in putting recycling

facilities-- We've built two plastic bag and film recycling facilities -- one in Indiana and one in Wisconsin -- where we're recycling over 50 million pounds of plastic bags and wraps. I say *wraps*, because not only do we take plastics retail bags back, but we also take back dry cleaning bags, bread bags, and cereal bags -- all kinds of polyethylene products.

We didn't do this with the heavy hand of government; we did this voluntarily, as a business practice for environmental stewardship purposes.

We are the inventor of the bag-to-bag program; in other words, the store take-back program that allows consumers to bring back these polyethylene films. We pay for that material, so the grocers have an income stream. We re-process that material, and make post-consumer resin, and then make new plastic bags out of the used one. So again, we're recycling more than 70 percent. And this is considering the fact that -- you folks have been calling them *single-use plastics*; 75 percent of plastic bags are reused. They may not be reused for bringing your groceries back, but they are reused for many home items. If you take and deselect this product, something else is going to come in. Instead of a plastic retail bag, it's going to be a Glad trash bag for the kitchen catcher, or picking up after your pet waste, or cleaning up after the kitty litter. There are all kinds of reuses for this product; 75 percent are reused. That's why we recycle all these other products.

Other companies also buy this material, right? So TREX composite lumber-- The boardwalks that were rebuilt after Sandy -- the devastating effects of Sandy -- those were all made from composite lumber made, in part, from the plastic retail bags that are brought back to stores,

and the stretch film and things like that. So it's very important to understand that the recycling infrastructure works. So the reuse and recycling of single-use plastic bags is over 82 percent. We're proud of that, and we're going to continue to work on that.

In other paper bag manufacturing facilities -- we use 50 percent post-consumer products in all of our paper manufacturing. We have two locations in New Jersey: one in Logan Township, and we have another location in Elizabeth, New Jersey -- a paper bag manufacturing facility in Elizabeth. We spend, in this state, \$13.3 million in wages; we have almost 370 full-time employees. And in just the past couple of years, we've invested \$5.7 million in capital for these facilities. We just closed on a \$600,000 warehouse.

We thought that New Jersey would be a good investment. It's central to our distribution of these products; it's central to our very important customers; it's important to families that we employ. We also have-- As a matter of fact, I'm going to my board meeting tomorrow; and a lot of the decisions on what we're going to do in New Jersey-- We have, in the approval process, about \$70 million worth of capital projects for these two locations in New Jersey, to expand -- to add an additional 30 to 40 jobs, to add extrusion lines, to add paper bag manufacturing capacities.

I can tell you this. We are really going to rethink whether we want our factories in New Jersey, or whether we want to invest.

So I want you to consider not only these issues that you're discussing-- Earlier there were many suggestions that plastic retail bags are at the highest part of the litter chain in New Jersey. The recent study, funded by the Department of Environmental Protection of New Jersey --

retail bags are 33 now -- eight-tenths of 1 percent. So in other words, 99.2 percent of other items are littered more frequently than a plastic -- branded plastic retail bag that you would get at Acme, or ShopRite, or at Walmart, or JCPenney.

So please, try and put some science into this. I would welcome any one of the staff here, or the Senators, to join us; to come over to Logan Township to witness our bag manufacturing facility, or Elizabeth, New Jersey, to see what our families are doing on environmental stewardship, to be able to provide for their families. You deselect these products, put taxes on these products, it's going to be extraordinarily expensive for the constituents of New Jersey. Every time they shop, they'll remember who, in fact, put together this kind of onerous legislation; and, you know, very painful and cost effective.

The last thing I'll say-- And everybody was talking about reusable bags. Reusable bags -- they are made in China; they are made of non-woven polypropylene, the ones that you get for about \$1; \$1.50. They are made from heavy feed stocks; they are non-recyclable, okay? They are coming in -- you're asking China manufacturing products to displace American manufacturing products. And, you know, we are proud; we have 50 manufacturing facilities throughout the United States. We're a proud manufacturer; we're proud environmental stewards of this. And I welcome you to visit with us.

And if there are any questions, I'd be more than happy to answer any questions you may have.

SENATOR SMITH: Thank you.

Any questions? (no response)

All right; if not, Frank Brill -- who is now present in the room -- the Association of New Jersey Recyclers.

FRANK BRILL: Thank you Mr. Chairman.

I'll be very brief, because I made these points at your Committee hearing -- the Joint Committee hearing in Toms River.

I represent ANJR, the Association of New Jersey Recyclers, whose members are all the county and municipal recycling programs, and also private industry that's involved in recycling.

You've heard the environmental arguments from the environmentalists; we won't get into that. Our main issue, as we brought up in Toms River, was that the plastic bags are the biggest problem we have with the machinery that is used to separate recyclable materials before they're put into bales and sent to-- Well, they used to be sent to China, but wherever they're being sent today. They gum up the operation; and they not only keep -- prevent some of the recyclables from going into -- down the right chute and into the right bale, but they also, themselves, get trapped, and shredded, and put in the wrong bales.

And once an inspector on the docks -- a Chinese inspector, or others -- if their agents see that, they disallow the whole bale, and it goes nowhere. And it's an additional cost for the counties and the processors as well.

So it's just a real practical problem. It's grown worse, of course, as there is more and more of these bags introduced into the commerce and into the way stream.

What we're trying to convince -- educate consumers to do-- And it's difficult, because consumers have heard different messages over the

years, depending on how the industry operated. And there was one time when putting bags, plastic bags, grocery bags into recycling was okay. It certainly is not now. We're trying to reeducate people not to put them in the recycling, but to put them in the garbage, and other materials as well. Because everything's changed in terms of what can be sold in recycling.

So we would -- that's why we support this Bill.

And thank you very much for your consideration.

SENATOR SMITH: Thank you, Frank.

Mary Ellen Peppard--

SENATOR GREENSTEIN: Mr. Chairman, I just have a quick question.

SENATOR SMITH: Oh, I'm sorry.

Frank, hold on.

SENATOR GREENSTEIN: Just a quick question.

MR. BRILL: Oh, I'm sorry.

SENATOR GREENSTEIN: At this time, do any municipalities or counties offer curbside recycling of plastic bags?

MR. BRILL: If they do, I'm not sure of any. There are some-- Yes, there are some -- I think they're primarily school groups and church groups. And it's a good alternative. I'm glad you asked the question, because that's one thing -- where these bags can be used. Like the gentleman who testified right before me -- they are recyclable; and the grocery stores that take them in to recycle them -- a lot of them go to TREX and they have a good use. They can be put to a good use.

Right now, the industry -- private industry and municipalities, I think, are more interested in just getting them out of the recycling stream

and reeducating people. But that's certainly the kind of program that we would support, because they are recyclable and they can be put to a good use.

SENATOR GREENSTEIN: Thanks.

MR. BRILL: Thank you.

SENATOR SMITH: Thank you for your comments.

Mary Ellen Peppard, New Jersey Food Council.

M A R Y E L L E N P E P P A R D: Thank you, Chairman, and members of the Committee.

Mary Ellen Peppard with the New Jersey Food Council.

We appreciate the opportunity to continue this conversation that we've been having for a couple of months and, really, on and off for a couple of years now.

A few comments on the Bill: First, we really appreciate this statewide preemption in the Bill. We do need a statewide solution to the local patchwork that our members are currently experiencing.

Thank you for that; we really appreciate that.

Regarding the fee: Again, we are really supportive of the fact that the Bill does take into account the impact of paper. The problem that we have with the way the Bill is structured is that when you have the fee, this would, of course, incentivize the use of reusable bags. But our members, our food retailers, would still have to purchase a significant amount of additional paper bags. Paper is much more expensive than the plastic bags. It costs about 10 cents.

So in order to recoup their costs, they would need to retain the entire 10 cents of the fee. And I think someone else mentioned this -- so

this was done -- this is how it is done in California; they do retain the entire 10 cents.

The concern with Senator Bateman's comment, or suggestion, before about, I believe, delaying the fee for a period of time would be that in that period of time our members would have to bear the cost of this.

SENATOR SMITH: So Mary Ellen, if the Bill was changed for the merchants to keep the 10 cents, would the Food Council be on the Bill?

MS. PEPPARD: Chairman, there are a couple of other points on the Bill. I think that would--

SENATOR SMITH: So it doesn't go far enough -- that would not get your support?

MS. PEPPARD: We would absolutely take that back to our members, and that would--

SENATOR SMITH: So the answer is, unknown at this point. Okay.

MS. PEPPARD: That would be a key component, but we would absolutely take that back to our members.

SENATOR SMITH: Okay; go ahead.

MS. PEPPARD: Thank you.

I would-- And I'll just add that our members already pay into the Litter Fund; it's about \$20 million. So we do already pay for some of these programs.

We do recommend the exemption of WIC and SNAP recipients, as well, from the Bill. That was something that I believe someone else mentioned earlier.

We're looking for some additional clarity on some of the exemptions. Based on some conversations we had with your staff this morning, it appears that the intent was to potentially exempt newspaper bags and some of those waste bags -- the package bags -- that are sold in the stores. So we would look for some clarity on that.

We do appreciate, and we think it's very important, that there are those food safety exemptions for the produce and the meat bags.

SENATOR SMITH: Right.

MS. PEPPARD: And we would just ask, again, to get some clarity on some of the other exemptions; and maybe a hot soup add, for example.

SENATOR SMITH: Send in language, please.

MS. PEPPARD: Sure; absolutely. Will do, Chairman; thank you.

Regarding the polystyrene -- we would strongly recommend a permanent exemption -- not the limited time frame exemption -- but a permanent exemption for all raw meat, poultry, fish, produce, and eggs for food safety reasons.

And we would also recommend that our members be allowed to continue to -- not to provide, but to sell the products -- the packaged products in their stores.

At this time, our members are reporting that there is not a cost-effective and suitable alternative for every single product. And some other people have testified this morning -- it is a process of looking at these alternatives and evaluating different alternatives.

Regarding the straws: We would appreciate a change to a straw-upon-request for every customer, as opposed to the medical necessity and the disability. The problem there is that our store associates would be put in a position of having to potentially ask or make a medical necessity determination; and that's a consumer experience issue, as well as a liability issue -- discrimination claims. So that's something that is very concerning to our members.

And then we would also, again, ask that our members be allowed to sell the straws for at-home use in their aisles. We think that, perhaps, there are some products and some situations that a complete ban would have unintended consequences. For example, how would the issue of the juice boxes, Capri Sun, things like that -- how would they be addressed? If the straws were banned, we would assume that those types of products for sale would also be banned.

And then we would also ask that the Committee just be mindful of the impact of a ban that is -- bans that are immediate, bans on these products, bans that are in a relatively short timeframe -- like, for example, the one-year timeframe -- the impact on the supply chain. What our members are saying, in California, and then some of these other jurisdictions, is that there is a problem with demand -- not being able to meet that demand with the straws, the bags, and the polystyrene; and that when you have these -- you have to switch to the alternative products, and then not only is there a shortage, but there's also a price increase.

And then, finally, I would just say that our members are continuing to explore long-term alternatives to these various products. They are evaluating customer preference; they are evaluating affordability

and sustainability. And so we would like to be a part of that conversation in terms of we wouldn't want a particular type of bag, a particular definition, to be very narrowly construed to the point where it would preclude, potentially, a very economical and sustainable long-term alternative.

We look forward to continuing the conversation; and we do appreciate the conversations the last couple of months.

Thank you.

SENATOR SMITH: Thank you very much.

Peter Blair, Clean Ocean Action, in favor.

P E T E R B L A I R, Esq.: I'm Peter Blair, the Policy Attorney for Clean Ocean Action.

Our name has been mentioned, but I think it's worthwhile to explain who we are.

We are a broad-based coalition of 125 active boating, business, community, conservation, diving, environmental, fishing, religious, service, student, surfing, and women's groups, all united to support the improvement and protection of our coastal waters.

Clean Ocean Action would like to thank the sponsors of S-2776, Chairman Smith and Vice Chair Greenstein, for leading the effort to ban these harmful products.

I'd also like to thank the entire Committee for the opportunity to speak.

First, I think it's important to confess that I am new to this wonderful state; however, I already feel an immense sense of pride. This pride stems from its role in environmental leadership. For example, the

recent passing and signing into law of the nation's strongest offshore oil ban, which had not only near-unanimous bipartisan support, but lead to efforts in California and Delaware. We see this bill, S-2776, as setting a similar standard to follow.

Clean Ocean Action is thrilled with the ban on single-use plastic straws, bags, and polystyrene foam. We urge the swift passage of this legislation.

Our existence is rooted in our mission to improve and protect the coastal waters off New Jersey. We were founded in 1984, when the State had a much different reputation -- when we were the ocean-dumping capital of the world. We are proud that we have overcome that hurdle; but we have a new hurdle to fight, and that is this plastic epidemic.

While I am new to this state, Clean Ocean Action is not new to this issue. Years of data from our biannual Beach Sweeps provides a snapshot of what is happening in our oceans. It is evidence of the problems we are facing. Since 1985 we have collected marine debris, including plastic debris, twice a year off the Jersey Shore beaches and in over 60 towns, from Perth Amboy to the Delaware Bay. Our amazing volunteers have collected data on this. According to our data, plastic debris has increased from 71 percent in 1990, to 84 percent in 2017. Last year, in just six hours; what was collected was horrifying. In terms of plastic, our volunteers collected 9,052 bags and 31,165 straws. For straws, this is almost a 59 percent increase from the last comparable year.

For food foam products, 928 containers, 21,117 pieces, and 3,445 cups were collected. Again, this was six hours; two, three-hour stints

in one year. We did not get it all; there is more there now, there is more in the ocean.

Moreover, recent history shows that plastic and foam products have consistently been at the top of the list of our items collected. Our numbers have been questioned today, and people have mentioned that they have not seen plastic bags in the ocean. I invite you to come to our Beach Sweep on October 20 and see for yourself the problem we are facing.

Our Beach Sweep program arose out of necessity. Nothing would make us happier than to end it, because our Beach Sweeps are no longer needed because our shores are pristine and free of these increasingly problematic items. A good step will be the passage of this Bill and, therefore, we thank the Committee.

We'll take any questions.

SENATOR SMITH: Thank you for your comments.

Matt Seaholm, American Progressive Bag Alliance.

MATTHEW SEAHOLM: (off mike) Opposed.

SENATOR SMITH: Oh, I'm sorry -- opposed. (laughter)

MR. SEAHOLM: Thank you, Mr. Chairman; thank you, Senators.

I'll keep my remarks brief. I've already provided the Committee with a lot of information; I'm sure you've read it all.

But just a couple of things. First, I represent the American Progressive Bag Alliance. We are an association of plastic bags manufacturers and recyclers; our members recycle the products as well. You heard one of them earlier -- Novolex being one of our most important members, with a presence here in New Jersey.

But a couple of things have been said today that I would love to respond to. But the most important points that I think the Committee should take home with them-- First, speaking on the plastics bag issue that is part of this. I really do want you to go back and read the New Jersey Clean Communities Council Report that was funded by the DEP; it came in July. It highlights all of the issues regarding New Jersey litter; it really does a nice job. It talks about the success, over the past decade or so, in reducing the amount of litter in New Jersey.

But branded plastic retail bags -- those are the ones that are coming from grocery stores -- those are the ones that would be most impacted by this legislation -- make up 0.18 percent of litter. That's an incredibly small number; and what that comes down to, oftentimes, is coming from open trashcans, or it's actually being used as a collection point for trash. It's being reused as a trash bag. And it ends up next to a garbage can or something like that; or, perhaps, some other use like that.

The other thing I wanted to mention is, from an environmental standpoint, every life cycle assessment that has been done, that looks from start to finish, of retail bags -- all of the options at the checkout -- there is no doubt that plastic retail bags are the most effective and most efficient thing to use at the checkout. And this is not coming from us; the Clemson study was referenced earlier. It's coming from the EPA of Denmark; it's coming from the Recycling Authority of Quebec. And it really is an important point here that it seems like an easy fix, but there are a lot of other things to factor in. And I just wanted to highlight those couple of points.

The last point I wanted to touch on is, really, the regressive nature of all of the policies; but also, the tax associated with it. Who is most -- going to be most impacted by the banning of plastic bags and the tax on paper bags? And it's going to be those who can least afford it. Certainly a person making six figures is not going to really feel an impact, and they would be the ones who could certainly purchase a reusable bag and use it if they really wanted to, hopefully to a sufficient amount to offset the exchange for a plastic retail bag. But what it's really missing is -- the folks who have to walk six blocks from their corner convenience store, bodega, or any type of a supermarket -- or perhaps longer, in the rain-- Those are the folks who, ultimately, get impacted most by these policies; and I just wanted to highlight that.

But there's been a lot of good conversation today; I hope that conversation continues. You know, I think the gentleman from the Recycling Association in New Jersey made a very important point. It's clear that people want to recycle plastic bags, right? That's pretty darn clear. They're just not sure how to do it at all times. And that's where the education on reuse and recycling really comes in; and I think that should be an important component of anything that this Committee ultimately decides to do.

So thank you very much for your time. I'd be happy to answer any questions that you might have.

Otherwise, we'll keep it rolling. (laughter)

SENATOR SMITH: Thank you for your comments.

The next witness is Doug O'Malley from Environment New Jersey.

D O U G O ' M A L L E Y: Thank you, Chairman, and thank you members of the Committee.

I know we are approaching lunch time; it's always a dangerous position to be in, between you and the rest of this room and between lunch.
(laughter)

That being said, I wanted to thank the Chairman, and thank Senator Greenstein, for being the primary sponsors of this Bill. This is groundbreaking legislation, and this is leadership.

I also wanted to thank Governor Murphy for his veto of the plastic bag fee bill. The language in that absolute veto discussed the need to move to reduce our use of single-use plastics overall.

I also wanted to thank Dr. Keith Cooper, and the rest of the Rutgers and Princeton team that testified in August. And, obviously, Dr. Cooper testified earlier this morning.

That transcript really should be the Rosetta Stone, not only for this Committee, but for the entire Legislature. This is not just about our ecosystem and environment -- although it certainly is -- it's also about public health.

And when we reference the importance of an outright ban on plastic bags, I think it's important to note that this is about cultural change. Because right now, when you go to CVS, it's almost like a game: Can you tell the cashier not to put your couple of items into a plastic bag?

We need culture change, and we've seen culture change before. In the 1980s, obviously, there was a move to do recycling; that was a big change. Obviously our recycling rates in the state are not as much as we would like. But blue bins are part of our culture. And there's no reason that

New Jersey can't be like California; the fifth-largest economy in the world passed an outright ban on plastic bags. They have similar demographics, although a much higher population. There's no reason why we can't follow their lead.

And I wanted to echo the comments of Frank Brill, from the Association of New Jersey Recyclers. Plastic bags are a scourge on our waste stream; and the reality is, a very small percentage of them get recycled. So let's not kid ourselves; the most effective way to save recycling in New Jersey is to ban plastic bags, not to assume that we're suddenly going to bump the rates from 6 to 8 percent to 100 percent.

I wanted to talk a little bit, too, on the polystyrene portion of the ban, because we've heard a lot of testimony already this morning on it.

Here's the reason why we need to ban polystyrene. One, as we heard, New York is moving towards that ban. But of those 165 million pieces of plastic contamination in the Raritan Bay, 40 percent of them are polystyrene. And these are microscopic; they are essentially floating fish food. They absorb toxic chemicals, and they bioaccumulate up the food chain. So when we think of polystyrene, this is not just a minor problem.

I also wanted to emphasize the research that links styrene as a carcinogen in animals, and a possible human carcinogen; and the transmission of styrene from polystyrene food containers into human body fat and into breast milk. This is not only an environmental hazard; it is a public health hazard. I think it's critical that when we look at the concept of recycling, we look at what is occurring right now. And I want to reference Noemi de la Puente; and Noemi ended up calling recyclers in Pennsylvania on polystyrene yesterday. And they said they can only take

clean polystyrene. So if you have food waste, that makes it a lot harder to recycle.

So again, when we're thinking about the move forward here, it needs to be comprehensive. This is what this Bill does, and we are ecstatic to work with this Committee, and the Legislature, to make that happen.

Thank you.

SENATOR GREENSTEIN: Thank you.

Thanks; any questions? (no response)

Okay; next we have Paul Poe, Dart Container Corporation, opposed.

P A U L P O E: Good day, honorable members of the Committee.

Thank you for the time to be here today.

I am Paul Poe; I am a Northeast Government Affairs and Environment Director for Dart Container Corporation. We have manufacturing facilities around the world. Our largest is in the neighboring state west of here, in Pennsylvania.

And I'm also-- I want to just throw this out, as a New Jersey softball, that I am a proud graduate of Drew University. I lived in the state for a couple of years, so I'm glad to be back.

A couple of things that I want to talk about today-- You have my written testimony, and I have the new Bill. And so I have a couple notes, and they may seem a little disjointed at times. But I think everything is here that we need to talk about.

And I'd like to have a conversation. So at any time if you have a question, please stop me and ask.

Dart Container Corporation is one of the largest producers of food service products in the world. We are here to respectfully oppose Senate Bill 2776, a ban on plastic bags, expanded polystyrene, and straws.

And I'll stop there; and I want to-- We've had similar bills in Rhode Island, and a couple of other states in the Northeast, that have coupled or tri-coupled bills like this. And I would just posit from the outset that we consider that these three individual products are different; and one should not fail or rise upon the success or the lacking of another. These three-- If you do not like EPS, but you like plastics bags, this Bill should not pass because one is better than the other in your mind. They should be individual. I would just posit that the coupling, the tri-coupling, of these three individual products is a heavy burden; and you're going to make winners and losers. And the worst one that you have in your mind may sink the best one that you have in your mind; and that shouldn't be the case.

And there are-- Dart makes over 2,000 different food service products. We make paper, we make plastic, we make compostable, and foam products. And foam products are plastic products. And don't let anyone misguide you; since we make paper hot cups -- that folks like Starbucks uses, and other places -- a paper cup, hot, is 10 percent plastic. It's lined with polyethylene. For it to be recycled it has to be energy intensive -- it has to be boiled, the plastic has to be pulled off, and then and only then can the paper be recycled.

A foam cup, on the other hand-- And don't get me wrong. We make both of these products, and I'm not here to bad mouth any product on the market, because we make them all. A foam cup, on the other hand--

Yes; I mean, we do. And a foam cup can be just-- It's called a *densifier*. You take it, you squish it down -- a foam cup is 90 percent air -- and you put it into a block; and we haul it back to Leola, Pennsylvania, we chop it up and make little beads, and then we reuse it.

And the thing here -- as was noted before by some of the other folks -- there is county-wide recycling in Sussex County. I know it's in the far Northwest of the state; it's a big county, but not that big of a population. But there are two end-users here: Princeton Molding, and there is another in Springfield Township, that take these products back. Princeton Molding takes the recycled recovered foam and makes-- If you've ever been to a Target or a Walmart and bought a picture frame that's not real wood; or if you bought the molding that goes around a house like this, that's green that you paint -- that's all recovered expanded polystyrene. There is an end-market, and it is used.

And I want to correct one thing that was said earlier. New York City has been a complicated issue. There have been two determinations by Kathryn Garcia, the Secretary of Department of Sanitation. The first one came out pro foam; it was upheld on appeal. And then the City Council passed a second piece of legislation; and then that went to a second lawsuit. Kathryn Garcia suddenly changed her mind on the logic. And there were things that were in that decision: One, can it be recycled; is it going to cause a health issue; and is there a market? And all three of those were met in the first case; in the second, somehow, she changed her position, and yesterday was the appeal.

So there is no ban in New York City. It is scheduled to go into effect January 1; but the second case that was appealed was heard

yesterday, just to be clear. Because I don't want anyone to think other people have said New York City has a ban. They don't yet. It's on appeal, and it's scheduled for January 1; but we'll have a decision before that date.

Dart has been doing foam recycling since 1990. We have drop-off points at every one of our facilities, and we take back whatever is recovered here in New Jersey, and Maryland, and Pennsylvania to our Leola facility. It's chopped up; washed, if need be.

So people have talked a lot about dirty foam. If it has oil on it, it needs to be washed. But if you have a paper pizza box that has oil on it, that's contaminated and that pizza box cannot be recycled. And like I said before, a paper hot cup cannot be recycled until that 10 percent polyethylene is stripped off it.

So those are just some of the big issues there.

As far as economic impact, we have faced-- Big businesses across the country, as well as, I'm sure you're aware, Dunkin' Donuts -- which is now just *Dunkin'*, since they dropped *Donuts* yesterday -- they said they won't use foam cups anymore. And I've been asked before, "How do you feel about that?" And I say, "It's fine; it's a business decision that each and every business needs to make." And if you're a small business, a mom-and-pop, if you're a nonprofit, if you're the State-run prison, if you're a hospital, and the foam is the product that you need to keep you in business, you should be able to buy it. And it is recyclable, it is recovered, it is cost-effective. And, you know, even organ transplants -- when you get a new liver or a heart, what do you think they transport those organs in? They are foam containers that go out to hospitals.

So -- and I have one other question that I generally like to ask the legislative bodies that have bills like these. So let's talk about what -- not just what I have to say, but what you have to say and what is your intent. Is this a health issue, a litter issue, a recyclable issue? And we can talk all about those.

And a lot of people before me today have mentioned styrene; and our products are polystyrene. So styrene is a monomer, C_8H_8 ; I'm a chemical engineer, by the way. And on the other end, when you have a monomer, it's a long chain. They break one, and they make it longer.

Styrene is a liquid; polystyrene is a solid. If you try to put sodium in water by itself, it would explode. You put it with chlorine, you make salt. It's the same kind of chemical process; they are totally different. One is a monomer, one is a polymer. They have different chemical attributes. There is scientific research done on styrene. And a couple of folks before me, today, have mentioned breast milk, and styrene in breast milk. If you truly want to take styrene out of the environment -- styrene is naturally occurring. There's more styrene in the coffee than in this foam cup.

Now, most styrene naturally occurring is cinnamon, beer, beef -- and you can go down the list. So if you want to take all the styrene that could possibly be in breast milk, you need to ban beer, beef, coffee, cinnamon, and strawberries. It's naturally occurring; and you can look it up. I can provide that information, if you need further information. It is not coming from a foam food service container or a foam cup. It is naturally occurring in the food that we eat and the drinks that we drink.

And someone had mentioned earlier life cycle analyses. When you make a foam cup and a paper cup -- a foam cup is 90 to 95 percent air and 5 percent natural product -- natural resources. So a paper cup, on the other hand, is all natural resources. So when you make a product -- natural greenhouse gases -- we are, as a foam product, 2.5 times less than a paper product. You had to cut down the tree, you have to mill it, you have to boil it, you have to make pulp. And so the greenhouse gasses are considerably more.

The water use is 2.5 times more; transportation costs are more. And at the end of the life -- and this is an important issue that I want to talk about-- Because if you ban foam products, you're going to have to go to an alternative product. And those alternative products in other states -- and I just got the new Bill today -- so an alternative product, they tend to be either the mandated recyclable or compostable. And we've already talked about a paper product that needs to be recycled has to be boiled, and the energy required, and to make new paper products out of that.

Let's talk about compostable. Most compostable facilities -- and there are none in Maryland, there are none in Pennsylvania, and I'm not for sure about New Jersey -- but most compostable facilities are food waste and yard waste. Compostable food service takes a higher temperature and a longer time to compost. So if you're going to get rid of a penny product and replace it with a 10-cent product, that you can't handle as a government, you're requiring your people to pay more for a product, or a service, or a food, or a soda, at the beginning. So it goes up from 1 cent to 10 cents, and it's passed along to consumers.

But let's think about the end of the life. If you don't compost it, you're going to have to landfill it or burn it. And it's 2.5 times more by weight, like I said, and by volume. So you're tipping fees are going to go up. So there's a double whammy on economic costs. So it's -- the cost to the consumer goes up; and the cost to the government goes up, if you don't compost it.

And I just want to put that out there because, if you want to get rid of product and replace it with a new product, as a consumer, or resident of the state, as a voter -- if I'm going to have to use a product that you asked me to use, I expect you to be able get rid of it properly at the end of its life so it doesn't cost my government taxes more. If you're going to just landfill it or burn it, that's costing me at the front end and the back end, because I'm a taxpayer.

I'm just putting that out there; and I think it's something that's worth considering.

I'll wrap up quickly here.

Dart is a big-- We have retail sales here; we don't have manufacturing. We do in Maryland and Pennsylvania, two of your bordering states. But we distribute heavily here.

I've already hit on New York City; and polystyrene versus styrene; and styrene is naturally occurring.

The last thing I want to hit on is the recycling that's going on here in New Jersey; and I'll stop.

As was noted before, Sussex County has instituted foam recycling. They've submitted a letter; and so has Princeton Molding, a company that takes the recovered fiber and makes the molding, that

employs people in Princeton and Springfield Township. But Sussex County, in their letter, they will say that they have saved, with their recycling program of expanded polystyrene from municipal solid waste, \$17,000 a year, so far. That's just to begin.

On that -- I know I've talked a lot; my mother tells me I do too much. And I'll take any questions that you have, and be happy to follow up if you have any needs or questions.

SENATOR SMITH: Thank you for your comments; they are most appreciated.

Maggie Leppert; Maggie, you have not identified yourself with any group or organization.

Who are you with?

M A G G I E L E P P E R T: (off mike) So I'm with several organizations; but I didn't put one down, because I wanted to speak on behalf of the--

SENATOR SMITH: Come on and sit.

MS. LEPPERT: I'm sorry; okay.

SENATOR SMITH: So who are the several organizations?

MS, LEPPERT: So I work for the New Jersey Association of Centers for Independent Living. So one of the things that -- I just didn't put an organization, because I wanted to emphasize that I'm here on behalf of the entire disability community, not a specific part of it--

SENATOR SMITH: Okay.

MS. LEPPERT: --or a specific organization; that I'm talking on behalf of the one out of four Americans who live with a disability in this country.

So I want to talk about -- not plastic bags, not Styrofoam. I want to specifically talk about plastic straws, single-use plastics straws.

SENATOR SMITH: Right.

MS. LEPPERT: I know that there is a disability medical exemption--

SENATOR SMITH: Exemption; right.

MS. LEPPERT: --but I'm here to tell you that this is not enough; that is not acceptable to our community.

SENATOR SMITH: What do you want?

MS. LEPPERT: I'm going to explain.

So, currently, there are no alternatives for single-use plastic straws that are safe for people with limited muscle control. And until alternatives exist, there can be no -- of any kind -- straw ban that would be acceptable to the disability community.

I'll talk a little bit about why that medical exemption is a problem.

First, it puts the burden on the person with a disability to disclose. And if you do not have a disability, it can be hard to understand this. But as someone who lives with a disability, I live in constant fear of violence, of harassment that I will receive if I do choose to disclose. It is a very scary process to disclose, as we face discrimination and harassment on a daily basis.

The second reason is that now you're putting the judgement in the hands of the people -- as someone mentioned earlier -- of the people who are working at these stores. I want to ask you, if you look at me, can you tell that I have a disability? Can you tell that I live with severe chronic

pain? Can you tell that, right now, my heart is racing at about two times what is considered the healthy rate, due to a chronic heart condition?

If you can't tell, why should 17-year-old Johnnie, who works at Starbucks, be able to tell?

SENATOR SMITH: Yes, but why-- You know, all the person has to say is, "I want a plastic straw for a medical reason," and that's it. Nobody makes a determination.

MS. LEPPERT: I understand that.

SENATOR SMITH: It's automatic.

MS. LEPPERT: And I understand the intent behind that; but I'm talking about the lived experiences -- that that's not what's happened. When we say, "I need it for a medical exemption," then people automatically question. I don't care if the law says that they can't; this is how it works. I'm regularly questioned and harassed on the street; on the train for using my disability parking placard--

SENATOR SMITH: So let's do this. Seattle--

MS. LEPPERT: Seattle has had issues with that.

SENATOR SMITH: That's what we need to find out about.

MS. LEPPERT: Yes; I can talk to you. I have contacts in Seattle--

SENATOR SMITH: Yes?

MS. LEPPERT: --disability contacts; and all of them will tell you that it is not working there -- the disability exemption. People are suffering very badly.

SENATOR SMITH: Okay; all right, I got you.

And we want to do it right. So I want you to contact Kate--

MS. LEPPERT: Okay.

SENATOR SMITH: --and the two of you get on a conference call with the people from Seattle.

MS. LEPPERT: Yes, okay.

SENATOR SMITH: Let's find out what the issues are, and we'll get them solved, all right?

MS. LEPPERT: Okay; because I just want to emphasize that plastic straws make up 0.03 percent of plastic waste, while fishing nets make up 46 percent. So I don't understand why when we've seen the disastrous effects of these bills in Santa Barbara, in Seattle-- Then we live in a state that has the fourth-highest institutionalization rate of people with disabilities. People with disabilities are already living in poverty, are already pushed out of public spaces--

SENATOR SMITH: We're not fighting with you.

MS. LEPPERT: Okay.

SENATOR SMITH: You know what? You're going to snatch defeat from the jaws of victory. (laughter)

We're going to find a way to make this work.

MS. LEPPERT: Okay.

SENATOR SMITH: Give us a call, and let's find out what we can do to make it work.

MS. LEPPERT: Okay.

SENATOR SMITH: All right?

MS. LEPPERT: Okay; thank you.

SENATOR SMITH: We're easy. (laughter)

All right; Henry Gajda, New Jersey League of Conservation Voters, in favor.

H E N R Y G A J D A: Hi; Henry Gajda, the New Jersey League of Conservation Voters.

I'll keep these comments fairly brief.

SENATOR SMITH: Please.

MR. GAJDA: Thank you to Chairman Smith and the Committee for hearing this Bill. New Jersey LCV is strongly supportive of S-2776; this Bill would showcase New Jersey's commitment to addressing plastic pollution, and would be the most comprehensive bill in the country to do so.

More specifically, we are thrilled to see that these strong actions are being taken, specifically the 10 cent fee on paper bags. As we know, paper bags are incredibly resource-intensive; over 14 million trees are cut down each year to make the 10 billion paper bags that are used in the U.S. annually.

More specifically, over 1,300 acres of trees are cut down to satiate our paper bag need in New Jersey alone. And for the football fans here, that translates to over 1,049 football fields of trees that are cleared, each year, for paper bags used just for our own consumption.

With an important ban on plastics bags, there could be more paper bags used, ultimately driving up deforestation to an even higher number. Therefore, placing a fee on paper bags is essential to encourage the behavioral change we want and need to see in New Jersey, where we all ultimately do bring our reusable bags to the store.

So while we strongly support this Bill, we also do have one recommendation that would really help strengthen it.

New Jersey LCV strongly recommends that the ban on polystyrene be extended to being included in our public schools and higher education institutions. Children shouldn't be taught that school lunches belong on these polystyrene trays. Banning this material will reduce childhood exposure to harmful contaminants and potentially health consequences, both in schools and out.

New Jersey would not be alone, either. There's a plethora of paradigms that we can look to for success. Seven major cities -- including Dallas, New York City, Fort Lauderdale, and Chicago, to name a few -- have partnered together to eliminate polystyrene from their schools.

SENATOR SMITH: Right. And by the way, you do know we have a bill that does this.

MR. GAJDA: Yes, I know.

SENATOR SMITH: It's already come out of Committee.

SENATOR BATEMAN: That's my Bill.

MR. GAJDA: Yes, we've actually reached out to the sponsors.

SENATOR SMITH: You're reaching out to the sponsor right now. (laughter)

SENATOR BATEMAN: Well, it passed the Senate. It's in the Assembly.

SENATOR SMITH: So it's over on the Assembly side.

SENATOR BATEMAN: We need your help in the Assembly.

SENATOR SMITH: Yes.

MR. GAJDA: Yes, we've reached out to the Assembly sponsors as well.

SENATOR BATEMAN: Okay, good.

SENATOR SMITH: Terrific.

MR. GAJDA: But yes, so this is important, and a significant first step in the right direction to address plastic pollution, reduce our waste stream, and limit land, water, and air pollution within and surrounding our state, and protect the health of our children.

Thank you.

SENATOR SMITH: Thank you very much.

Mike Egenton, New Jersey State Chamber of Commerce; who is celebrating his *what*?

MICHAEL A. EGENTON: Twenty five years.

SENATOR BATEMAN: You're just a kid, compared to 47.
(laughter)

MR. EGENTON: And you know, in that 25 years, I'm always very respectful of the time; and I know you have a voting session. So I won't read my testimony.

SENATOR SMITH: Oh, no; yes.

MR. EGENTON: I'll tell you, Chairman, I concur--

SENATOR SMITH: We wouldn't allow you to read it anyway.
(laughter)

MR. EGENTON: I know you wouldn't.

SENATOR SMITH: But go ahead; tell--

MR. EGENTON: No, no, no, no.

SENATOR SMITH: --what amendments are you seeking? Tell us.

MR. EGENTON: I will just say that we spoke at your summer hearing. I concur with the remarks that Dennis Hart provided today, and our manufacturers.

One thing I would say before the members here is, I always look everything in the bigger picture. You're all going to be voting on a Bill today -- and it's probably going to pass -- that's going to raise an enormous amount of taxes on the business community; a Corporate Business Tax Bill. That has impact; as you heard from the manufacturers here today, we want to keep those jobs and keep those employers here, keep the manufactures here.

I recognize, and appreciate, and respect the environmental concerns. I would even dare say there seems to be a lot of more challenges, Chairman, with the added containers and straws that you heard here today. As you've done in the past sometimes, maybe separating the bills and dealing with the plastic bag bill again in tandem, you know, as you try to get more information and see if there are alternatives with regard to containers.

You've heard from the folks in the Food Council, retail industry. I'm sure the restaurant associations have concerns. Again, these are employers. We need to make sure that if you're going to go this pathway, you understand not only the environmental implications but, for sure, the economic consequences that come along with it.

So that's, sort of, and in a very quick nutshell-- I just, you know -- we'd like to continue to have, you know, the dialogue, and work

with the various people who you've heard from here today. But we are greatly concerned that, you know, what is this impacting? And again, we don't want to lose those manufacturers, those jobs. And especially, knowing full well, with all the budgets that I've been dealing with for a number a years, what kind of fiscal outlook we're looking at in the next few budgets, and the challenges that we have there.

Again, I would ask you -- don't look at this issue in isolation; but look at it in tandem in the various bills that you're voting on later today, and in the next several months.

That's it, Chairman.

SENATOR SMITH: Mike, thank you for your comments.

MR. EGENTON: Thank you.

SENATOR SMITH: Bill Kibler, Raritan Headwaters.
Bill.

MR. KIBLER: Mr. Chairman, Senators, thank you again.

Jeff's out of the room. Good; this is a good time to do this.

I'm an environmentalist. I feel obliged to point out that because I'm about to say two things you'll never hear out of Jeff Tittel's mouth. One, McDonalds's is awesome; more on that later. (laughter) And two, I love plastic. Let me explain to you what I mean.

If we're ever going to get serious about getting lead out of people's drinking water, the only way to do it is to replace the plumbing in their homes. And the way we do that is PVC. I don't hate plastic as an environmentalist. But there are two kinds of plastic, and I am very glad Senator Thompson is no longer on this Committee; he would realize how weak my organic chemistry is to say there are only two kinds of

plastic. But in my universe, there are only two kinds of plastic. There's the plastic that has more benefit than harm; and there's the plastic that has more harm than benefit. PVC pipe falls into the former category; the single-use consumer plastics fall into the latter category, and they need to go.

We support the Bill; I think it's an excellent way to go. I would suggest that you please keep at it.

Senator Smith, you pointed out just how large this issue is on a global scale -- that we're dealing with an issue, on a global scale, probably as large as the climate issue.

I don't know much about the Sargasso Sea. If you read articles about this issue you'll hear about the giant island of trash, that Senator Smith was talking about, out in the middle of the Atlantic that's in the Sargasso Sea. I know two things about the Sargasso Sea: One, all the eels that live in my Watershed -- that's where they go to reproduce, which is kind of cool. And number two, it's the only sea in the world with no land boundaries. I've never been to the Sargasso Sea; the probability of me ever going there is about that big (indicates). It would be a great place to see, but it's just not likely to happen.

Let me tell you about a place I have been -- in fact, as recently as Tuesday -- that's the Spruce Run Reservoir. Round Valley Reservoir, the largest drinking water reservoir in our state, and Spruce Run, the third-largest reservoir in our state, happen to reside in my Watershed, I'm happy to say. And we pull plastic trash out of those reservoirs every year.

I talked to you earlier -- and I won't repeat myself -- on our annual stream clean up. But we pull huge volumes of trash out of Spruce

Run and Mulhockaway Creek, which feed the Spruce Run Reservoir. If you're not familiar with the Reservoir plumbing -- I won't get into it in real detail, except to say nobody in the State of New Jersey gets their drinking water from Round Valley or Spruce Run reservoirs. The water comes out of the reservoirs, gets discharged into the South Branch of the Raritan River, goes down the South Branch to the confluence with the North Branch, and the water companies actually pull their water out downstream of the confluence.

Any trash -- any trash that winds up in the South Branch or the North Branch, anywhere in my Watershed, is going to eventually find its way into the drinking water of 1.5 million in the State of New Jersey. Your constituents, Senator Smith; your constituents, Senator Bateman; the people who live in my community -- this is their drinking water that I'm talking about.

I realize that this is a global issue; but it's also a very local issue, and it's one that we actually can do something about here in New Jersey. And this Bill is an excellent way to do that, so I applaud that.

One of the advantages of being a grassroots organization, like we are, is that we spend a lot of time just talking to folks on the street; the people out there in our neighborhood. I spend a lot of time doing outreach, trying to talk to people about NRD settlements, TMDLs, stormwater issues. Very challenging issues to talk to the public about, because they tend to be a little esoteric.

Plastic waste -- they get it, absolutely. And let me tell you something that I know from my communities. I don't care if you live in a rural community, a suburban community, or an inner city community,

nobody wants to live in a trash heap. I find it bothersome, sometimes, when folks talk about a statute like this as being *regressive*, because I've never met anyone in an underserved community who wanted to have their community dumped on. They deserve clean water and they deserve clean neighborhoods, just like everybody else.

So McDonald's -- I mentioned McDonald's earlier. Back in the early 1990s, maybe it was the late 1980s -- I don't remember precisely -- but McDonald's did away with Styrofoam food containers in their business; did away with them entirely. I realize that McDonald's has an advantage of scale; but they proved that it can be done. And I've heard concerns expressed about quality and cost; as far as I can tell, McDonald's food is still incredibly cheap and -- how do I put it? -- it doesn't seem to have affected the quality of the product any. (laughter) I'll just leave it at that.

I don't really know where to go with the straw issue, to be honest. I'm glad it's being addressed, in terms of the handicapped community. I do have an advantage; when I was a kid growing up we had wax-coated paper straws. So if anyone is incapable of mastering a wax-coated paper straw, as a public service I'll be happy to do a YouTube video. Those paper straws have no moving parts, so I'm pretty sure I could master that. We'll make it work.

So that was it. I wanted to thank the Committee for getting this moving; and I would appreciate if you all would vote for it, and I certainly would appreciate if the entire Senate would get behind this Bill.

Thank you.

SENATOR SMITH: Thank you, Bill.

Dale Florio, New Jersey Restaurant and Hospitality Association.

DALE FLORIO: Thank you, Mr. Chairman.

So on behalf on the New Jersey Restaurant and Hospitality Association, we just have a specific ask I wanted to get on the record, recognizing that it may not be added today.

And quite frankly, the woman who spoke on behalf of the disability community actually touched on it.

If you look at Section 4b -- if you put a period after *plastic straw* and deleted *due to a disability or medical condition*, we think that's an appropriate place to put that period, principally because of -- it is difficult for a server-- And you wouldn't want to ask a server to look at somebody and make an assessment whether or not their request for a straw made sense.

But you also have people who ask for straws because they don't want to drink out of a glass. If you are at a fine dining--

SENATOR SMITH: Yes, yes, yes. But what about Bill's last comment?

MR. FLORIO: Pardon?

SENATOR SMITH: Why not paper straws; what's the problem with the paper straw?

UNIDENTIFIED MEMBER OF COMMITTEE: Or metal--

SENATOR SMITH: What's that?

UNIDENTIFIED MEMBER OF COMMITTEE: Or metal.

SENATOR SMITH: And by the way, you go for a cocktail at Catherine Lombardi's. They switched to metal straws months ago, and they're not having any problem with it.

MR. FLORIO: Well, I think -- you know, we can spend another four hours, I think, talking about the ability of a paper straw to meet somebody's needs.

SENATOR SMITH: Well, you know, we're going to find out. We're calling Seattle, and we're going to find out if the paper straw will solve the problem. Which means you can still ban the plastic straws; but you tell everybody in the world, "Just use a paper straw." And then anybody can have a straw; there's no problem with that. We can dispose of them; they're not going to stay in the environment for 10,000 years.

But we're going to find out.

MR. FLORIO: Okay.

SENATOR SMITH: We are looking at that issue seriously.

MR. FLORIO: We'll look forward to coming back and discussing-- We just wouldn't want to put servers--

SENATOR SMITH: See you in the Appropriations Committee.

MR. FLORIO: --in those situations.

SENATOR SMITH: Right. Yes, we don't want them making those decisions either. We want to take care of the disability community; no questions.

MR. FLORIO: Well, this is, again, somebody who just, from a germ standpoint, may not want to drink out of a-- I'm talking about someday who drinks out of a glass, right?

SENATOR SMITH: Right.

MR. FLORIO: If you're at a fine dining place where, maybe, they're serving soda or club soda--

SENATOR SMITH: And again, why wouldn't a paper straw work for somebody who doesn't want to drink out of a glass?

MR. FLORIO: Well, we're going to find that out, I guess -- right?

SENATOR SMITH: Yes.

MR. FLORIO: How they did it in Seattle. So we'll be there for that.

SENATOR SMITH: Okay, all right. It's a research project for both of us.

MR. FLORIO: Okay.

SENATOR SMITH: Thank you, sir.

MR. FLORIO: Thank you.

SENATOR SMITH: Brain Hackett, Humane Society of New Jersey, in favor.

B R I A N H A C K E T T: Thank you, Senator, and Committee.

I know you've entertained quite a long time of testimony; and I appreciate that, Mr. Chairman, your willingness to listen.

Recognizing that, I'll be very brief. But I also want to recognize that in the two-and-a-half hours of comments, there's been very little discussion about the atrocious effects that these single-use plastics have on animals.

And Mr. Chairman, I would add to your comment that not only is this a public health and environmental issue, it's an animal

protection issue. And we know how much animals are intertwined with the environment, and vice versa.

So I just want to mention a couple of key points for the record here.

The World Economic Forum estimates that the equivalent of one garbage truck of plastic is poured into the ocean every minute. That is staggering. One of the people who testified earlier mentioned something about Costa Rica, and it made me remember when I went to Costa Rica. We went to one of the most, if not *the* most remote national park in Central America on the Pacific Rim. You either had to hike in from the north, or you had to boat in, for three hours, in the mangroves, from the Pacific.

And what did we see, besides wildlife, in that park? Plastics, single-use plastic everywhere. It was disgusting, it was abhorrent, and it truly shows the real impact, worldwide; not just on your own beaches.

Scientists estimate that 90 percent of all sea birds alive today have ingested plastic during their life; and marine litter harms well over 600 species. So this is a public health issue; some people eat these fish that eat all of this plastic in the ocean -- public health issue.

It is heartbreaking to see pictures of sea birds feeding their little babies in the nest pieces of plastic bags and pieces of single-use plastic. They have no idea. And meanwhile, they're setting themselves up for a painful, painful, death. We see necropsies being done on all sorts of animals that wash up on shores; they have hundreds of pounds, sometimes, in larger animals, of plastic in their digestive tracts. It's really, really atrocious.

I would like to make one comment about businesses already doing this. Aldi is a grocery chain that I shop at. I work for a nonprofit; I need low-cost groceries. (laughter) And they're oftentimes in many diverse communities; some economically challenged communities. They already have policies; for example, if you do not bring a reusable bag, then you pay for one of their paper bags. That's a business here in New Jersey already doing it; and no matter where they are, the traffic in their stores is unbelievable. And everybody knows, regardless of the community, regardless of whether one has a disability or not, regardless of all these other things you've heard, people bring reusable bags or people pay for the paper bags.

SENATOR SMITH: By the way, what do they charge for the paper bags?

MR. HACKETT: Chairman, I think it's 5 or 10 cents.

MR. TITTEL: It's 10 cents.

MR. HACKETT: Ten cents? I always bring my reusable bags, so--

Thank you, Jeff.

So that being said, it's really painful to watch the real effect that this single-use plastic epidemic has on our sea life. And we've heard some speakers talk about statistics as to, "Well, it's just a small percent here or there." But if that's -- let's say that's the case and those statistics are true. If that tiny amount, according to that, is having this type of detrimental impact on marine life and the environment that it is already having, what would happen if it was doubled? Which is very possible; it

could be doubled, if these Bills don't go through, in New Jersey and in other places.

So I hope I've given the animals -- all of them that have died in vain because of single-use plastics -- I hope I have done them some justice, and I appreciate your time. And I would urge support for this Bill.

And thank you and God bless you.

SENATOR SMITH: Thank you, Brian.

Chrissy Buteas, New Jersey Business and Industry, seeking amendments.

CHRISTINE BUTEAS: Good afternoon, Mr. Chairman, and members of the Committee.

My name is Chrissy Buteas; I'm with the New Jersey Business and Industry Association.

I do echo a lot of the comments that were made by my colleagues who had concerns with the legislation. However, we would like to seek amendments and look forward to working with the Chairman on seeking those.

I do want to mention, though -- also as some of my colleagues pointed out -- that when we're looking at the impact on business, we cannot take one individual policy and evaluate it alone. In fact, we have to look at things from the totality. And as was mentioned prior, our manufacturers and corporations are going to be seeing another tax increase today if legislation were to pass. And the competitiveness and affordability factors really come into play when businesses are looking to stay here. And I think that was alluded to earlier by some of our manufacturers.

So when we're looking at this piece of legislation, we do want to keep in mind what other states are doing, what is the impact from a global environment as well. And then, keep in mind how many businesses are already utilizing plastics and polystyrene here in the State of New Jersey. How many jobs are currently here in the State of New Jersey? And it was mentioned by the Professor earlier this morning, actually, that business really does have a key role to play in this.

And so when we're talking about these types of products, they do have real positive impacts on our day-to-day life. And we certainly do acknowledge the environmental concerns that were raised. And once you work with folks to make sure that we are recycling all of these products-- I think we talked a lot about today how these products are able to be recycled, and that it is a human behavior issue. We need to make sure that we are recycling plastic bags, etc.

So when we're looking at some of the specifics in the legislation, some of the things that we would like to be kept in mind, you know, are the plastic straws -- are they available upon request? Can we look at multiple years for phasing in something of this nature? Looking at making sure that the safety concerns are kept intact, as was illustrated by the Food Council. I mean, these products do serve a purpose, and we certainly don't want to just get rid of them and not have an alternative to go to. Because if there is an alternative, we do know that that alternative is more expensive and that it will put another cost on our businesses.

So see, these are some of the things that our members have concerns with. I look forward to working with the Chairman on them. And again, we just want to make sure that New Jersey remains competitive, that

our manufactures and our businesses stay here, and that we also protect all the jobs that are here in New Jersey.

So thank you.

SENATOR SMITH: Chrissy, thank you for your comments.

MS. BUTEAS: Sure.

SENATOR SMITH: Drew Tompkins, New Jersey Audubon.

MR. GAJDA: (off mike) Drew has stepped out, but he wanted me to say--

SENATOR SMITH: Come to the microphone and say it.

Identify yourself, and who you're speaking on behalf of.

MR. GAJDA: Sure.

My name is Henry Gajda; and Drew Tompkins asked me to say, "New Jersey Audubon is supportive of the amendments, and looks forward to working with the sponsors to make the best enforceable Bill possible."

That's it.

SENATOR SMITH: Thank you for your comments.

Sal Risalvato, New Jersey Gasoline Convenience Store Association (*sic*).

Mr. Risalvato.

SAL RISALVATO: You got it correct.

SENATOR SMITH: Good.

MR. RISALVATO: Thank you.

Mr. Chairman and members of the Committee, thank you very much for allowing me the opportunity to share the thoughts of my members with you.

And thank you for tackling a very difficult issue.

There is nobody in my organization -- and I hope because of my influence -- that thinks that the issue is not a real issue. I personally believe that it is; I have tried to instill that in my members. I believe that I have, because I have a number of members who have been very active, over the past few years, doing things like making sure that there is proper recycling in their convenience stores for plastic bags and other recyclable materials.

I have one very aggressive member who did research over a year ago on replacing plastics bags with paper bags. The cost-- He did a complete analysis; and recently he has also done that with the plastic straws. And I just listened to the exchange that you just had, previously, with Mr. Florio regarding the plastic straws versus the paper straws. And one might think that that is a reasonable path to go down.

There is a serious deficiency in a paper straw. I did have the opportunity, last year, of visiting Alaska on a cruise. And when you go into certain areas, the cruise ships do not -- for that entire day, beginning before the ship even arrives -- will not use plastic straws. They give you paper straws.

I never use a straw, ever, ever, ever. My wife uses one all the time. I used one that day because I was curious, because I am aware of the issue here in New Jersey. And it disintegrated in a few minutes. Does it work, initially? Yes; but it is not really a suitable product. And the most difficult part of this legislation, or my convenience store members who need to have straws because their customers take products, and go into their cars, and utilize the straws. I understand there is a different aspect with a

restaurant; but my members who operate convenience stores -- people are at gas pumps, filling up with gas, go in and get a product that requires a straw. And certainly, there's going to be an issue with the difficult nature of the paper straw and its disintegration factor. And I would assume that that is probably exacerbated in a driving situation.

So one of the things that I came here to ask this Committee is to reconsider the actual ban on the plastic straws. The member that I said was very aggressive has actually reported back to me -- none of his suppliers are even capable of supplying it right now because of the movement that's happening across the country. There is a severe difficulty getting -- even getting the paper straws. And he said virtually 100 percent of his customers who come in and purchase drinks do leave with a straw.

So that is something that we hope we can have a dialogue with, with this Committee, and maybe make some improvements to the Bill.

The other thing -- and this is a question my members ask me all the time -- and I have to tell you, listening to testimony all day long today, we have not, in this discussion, talked about the actual problem. And that is the person who leaves -- that disposes improperly of the plastic, whether it's a bag or a straw. Twice I heard today -- first from you, Mr. Chairman; and it's appalling, and I am going to assume you are as angry as I am -- about the number of straws and bags that were picked up off the beaches in a six-hour period. That is disgusting.

Now, I have to assume if there are 9,000 plastic bags that are picked up, that there are 5,000 or 6,000 very selfish, inconsiderate people who left them there; maybe even 9,000 selfish, inconsiderate people. And

the 30-plus-thousand straws -- how many thousands of people are we talking about there? And they -- they are the people who have caused this.

And one of the things that I found very surprising -- and it came from Jeff Tittel; and I am very-- I admire Jeff very much for the fight he puts up for his causes; and I just applaud him. I don't always agree on the solutions with Jeff, but one thing he said today was that we're not looking to penalize the consumer; we want to penalize the business that breaks the law. And I'm thinking to myself, it's the consumer who is leaving and improperly disposing -- whether it's on the beach or improperly disposing at home. And again, I think maybe I'm more sensitive to this, and I hope that this is what I've transmitted to my members over the years -- is I consider myself a *recycling kook*; I want to recycle everything. And I will even tell you, I learned something at your August hearing. I listened to all the testimony and I learned that the plastic that wraps things -- not just the plastic bag -- but that, too, can be put in with the same recyclable plastic bags.

Well, my family didn't like that when I came home that day, because now I make sure we do that. And I'm offended when a family member doesn't properly recycle. I believe we need more; and my members are willing to step up to the plate and help in this regard. Help with the education process, because it's not enough.

And somebody did allude to the campaign, years ago, on litter. I remember, as a young man, watching the television with the Indian crying, in a canoe, with pollution all around the river. And that was sincere, and it struck a nerve. And there is no way we have the litter today that we had then. Yet what we do have in terms of litter -- we're dealing with in a very

serious matter, and that is the plastic. I don't want marine life ingesting plastic. But if we ban a product that has been a huge benefit to society, and we don't penalize the real problem -- and that is the improper disposal of it -- we're going in the wrong direction. And my members are asking for that to be put into the dialogue, and to recognize that this is going to be a burden on small businesses.

And in regard to my members, specifically, the straw part of this legislation will be especially burdensome.

Thank you very much for allowing us in the dialogue. My members would like to continue to participate in the dialogue, and to solve the problem.

SENATOR SMITH: Thank you, sir.

Maura Toomey, Clean Water Action.

Maura, in favor.

MAURA TOOMEY: Hi, my name is Maura Toomey. I'm from Clean Water Action.

We're a national environmental grassroots advocacy organization. We've been working on these issues, here in New Jersey, for over 40 years.

We represent over 150,000 members in New Jersey. We have a canvass that goes out every single day. We probably have talked to all of you at your doors; it may have been me, because I do that too.

And like others have said today, this is an issue that people come to me about when I'm talking to them. They care about this issue and they know about this issue.

So I just wanted to talk a little bit about how people are trying to pinpoint what the problem is. And I think people are right, in a lot of senses; but the problem is coming from all levels. So it's the individual, but it is also the manufacturing level, it is also the business level. And so I think that this Bill takes a good approach in actually tackling the main issue, which is waste reduction.

Yes, recycling needs to be improved; yes, we need to not litter. But there needs to be more of a focus on waste reduction, which this Bill does. Recycling was a paradigm shift 30 years ago, and waste reduction needs to be what we're focused on now. So we support this Bill and its efforts to do that.

The pollution prevention funding would be definitely helpful to make it more successful to educate businesses; and we'd like to see more funding for programs that actually help implementing some of these changes. So for example, Clean Water Action has an award-winning program called *ReThink Disposable*, which actually works with businesses to help them build in waste efficiency into their businesses. And they benefit from waste reduction significantly, especially small businesses, especially businesses in the food service sector, by focusing on switching to reusables -- which is the goal of this Bill; changing habits to encourage reusable bags over plastic. It's not about switching from plastic to paper; it's not about switching from plastic to compostable. The focus is really waste reduction and reusables, because that's, ultimately, the best environmental solution.

But the focus on reusables in businesses really helps them save money on product costs and waste-hauling costs. Businesses that I've worked with personally save between \$2,000 annually to \$20,000 annually.

And these are small businesses; that means a lot to them. And it definitely means a lot to have that money saved so they can reinvest it in their businesses. And I've worked with them personally; they thank me for showing them these solutions where they don't have to pay the extra cost just to do the right thing for the environment. And they care about their business, but they also care about what their customers think, and they themselves care about the environment.

So I guess I also just wanted to end that -- yes, it's coming from the individual level with littering. But even when this type of waste is entering the managed waste stream, it's still an issue. The single-use plastics entering landfills, entering incinerators are still causing environmental issues, also causing environmental justice issues worldwide. And so the effort that this Bill takes definitely, kind of, tackles all of those components. So we support, with that.

SENATOR SMITH: Thank you for your comments.

And our last witness is Tony Perry, from the Commerce and Industry Association; opposed.

Mr. Perry.

ANTHONY PERRY: Saving the best for last. (laughter)

Thank you.

SENATOR SMITH: That's one way to look at it, certainly.

MR. PERRY: Yes, exactly.

Well, if Doug was worried about keeping you from lunch, then I certainly am.

Good afternoon, members of the Committee; Mr. Chairman, thank you.

Tony Perry, from the Commerce and Industry Association.

We are opposed to 2776. It's our opinion that this is not only bad for our businesses, especially small businesses; but bad for the consumer. Our organization has great respect for the sponsors of the Bill and this Committee; but the small business and bodega exemptions -- they were not touched on today, and I just wanted to touch on them quickly.

They do sound great; but our small business owners don't have the time, the personnel, the expertise to apply for the very exemptions on an annual basis. And I think that's a concern, not only for the small businesses themselves, but for organizations like ours and the other business organizations here in Trenton.

The Legislature, along with the Governor, has had a lot to say and has taken a lot of action in the last nine months that have been hurtful to businesses. And just yesterday, the Tax Foundation rated New Jersey dead last when it came to the economic climate index; not, obviously, something that our organization is proud of, and I don't think anyone in here would be proud of that.

But Trenton has increased taxes on businesses, instituted new HR policies; and we hope that the business community and the Legislature can reduce pollution, but as partners.

So I respectfully ask that the members of the Committee vote "no" on this legislation

Thank you all very much.

SENATOR SMITH: Thank you for your comments.

That concludes our testimony.

So two amendments to the Bill that we'd like to throw on the table: The one was the one suggested by Senator Bateman -- in order to help the medicine go down a little more smoothly -- and that was that the Bill would be effective one year after; but the bag fee -- the paper bag fee would be effective at the end of the second year after passage. And you would use that period to help educate the public so they start transitioning to the reusable grocery store bags. And I think that's the gist of what Senator Bateman was suggesting.

And also I think that the comments from industry, and enviros, and the academic world were that it would be a very smart thing for us to have a plastics advisory council that could monitor the success or failure, or need for changes to the plastics program. And if you would allow me to put together a balanced committee structure -- you know, equal -- all the stakeholders, appropriate governmental representatives.

How do you feel about those amendments?

SENATOR GREENSTEIN: Good.

SENATOR SMITH: Senator Greenstein's good.

SENATOR BATEMAN: That's a good start, Mr. Chairman.

Also obviously -- and you're going to have it researched -- I have concerns about the whole issue of straws.

SENATOR SMITH: Were going to get it solved.

SENATOR BATEMAN: And if this is an appropriate time--
And this is the most-- If I may--

SENATOR SMITH: Sure.

SENATOR BATEMAN: --this is the most interesting
Committee because of the issues that we face--

SENATOR SMITH: Right.

SENATOR BATEMAN: --and these issues are not easy issues.

SENATOR SMITH: No, they're not.

SENATOR BATEMAN: And we try to balance what's in the best interest of the public without sending the wrong message to our businesses and our manufacturers.

And let me tell you, these decisions aren't easy. And you know, today I'm going to vote to move the Bill forward; but I'll reserve my right-- If it doesn't change, I'll reserve my right to vote differently on the floor--

SENATOR SMITH: Right.

SENATOR BATEMAN: --because these are very important issues. And listen, I've seen it firsthand; it was raised earlier. I've seen the number of plastics in our waterways, and it concerns me. And I go to Manasquan every year, and I've seen bags in our ocean, unfortunately. And right now, over 12 municipalities have already taken steps on their own to institute fees or bag bans. Obviously, it's a very important issue to all of us.

But we also have to be, I think, aware of the consequences that our actions have here on businesses. And that's what concerns me. And I will be criticized for this vote, believe me; especially as a Republican who likes smaller government and less taxes, I will be criticized. But I also think that we have a responsibility to our environment. And listen, I read the whole magazine article last month -- now I'm drawing a blank -- in National Geographic.

SENATOR SMITH: Right.

SENATOR BATEMAN: I mean, and that was a real eye-opener; I mean, the number of plastics in our environment. And listen, our

responsibility is to try to make this earth cleaner for our children and grandchildren; and these are not always easy issues. And what I found in the past, in New Jersey, is voters aren't afraid to vote to increase taxes when they think the money's going to be well spent--

SENATOR SMITH: Right.

SENATOR BATEMAN: --towards the environment, Open Space, Farmland Preservation, Blue Acre Preservation, and Historic Preservation. I mean, the ballot question in 2014 that passed in every one of the counties-- And also, in the past, many towns and counties have had Open Space taxes on the ballot, and people voted for it because they're concerned about the environment.

So difficult, difficult. I appreciate all the testimony today, because it really is a difficult issue. But I will vote to move it forward.

SENATOR SMITH: Thank you for letting Jiminy Cricket be your guide. (laughter)

Senator Greenstein, anything you'd like to say?

SENATOR GREENSTEIN: I'd just like to add that I think this is the right thing; as you said, Jiminy Cricket has told us that it is the right thing.

We've heard from the businesses sincere approaches that they would like to take to make things better. But the problem we face is, the problem gets worse and worse and very dangerous; and the steps that we take only, really, end up being baby steps, unfortunately.

I think if people had taken steps years ago we wouldn't be in this situation. But I think we still need to take those steps; and I think that Jeff Tittel said it earlier, we need the Bills that do the cleanup, and then we

move ahead and make sure that we change our behavior. And that's really where we are with this. We need a change of behavior.

It's going to be hard, absolutely hard, for everybody. But it's something that we need to do. We've done it before on major issues, and we can do it now.

SENATOR SMITH: Terrific.

SENATOR GREENSTEIN: So I vote "yes."

SENATOR SMITH: Well, we didn't have a motion to release yet--

SENATOR GREENSTEIN: Oh, we didn't; oh. (laughter)

SENATOR SMITH: --but we're going to do it in a second.

But just for the record, I had a discussion with Governor Codey before he left about the two amendments to the Bill, and the Bill itself. And he said that he left his vote in the affirmative; but he also left in the affirmative for the two amendments as well.

SENATOR BATEMAN: And this is far from over.

SENATOR SMITH: Yes.

SENATOR BATEMAN: It's not a perfect Bill.

SENATOR SMITH: And these are going to be changes to the Committee's substitute.

And by the way, since it's a Committee substitute, anybody can sign on as a co-prime. Senator Greenstein and I are now co-primes, but I think we definitely want to offer the opportunity to Governor Codey and Senator Bateman; and also Senator Oroho -- who is not here, and I don't think there's much chance. But that is an opportunity that they have available to them.

Also, too, I don't know whether you noticed or not, but we have our court stenographer (*sic*) here, just like we did at the Toms River hearing. So when you spoke today as a witness, your testimony will be shared with 121 other people: the Assembly, the Senate, and the Governor's Office; so that, hopefully, everybody's thoughts and concerns get involved.

When we release this Bill, we're going to ask that it be referred to the Appropriations Committee. Because there are some other issues that were brought up today -- like the completion of the straws issue; clarification about the packaging in supermarkets; what about the -- how the bag fees are going to work in terms who gets what; and a couple of other very significant issues. But between the time that Appropriations hears it, we'll have those issues worked out. And if any of the stakeholders have continuing issues, please contact us and we're going to try and come up with reasonable solutions to those issues.

So with that being said, can I have a motion to release, with the two amendments?

SENATOR GREENSTEIN: I will move it.

SENATOR SMITH: Moved by Senator Greenstein.

SENATOR BATEMAN: Second.

SENATOR SMITH: Seconded by Senator Bateman.

And we'll now take a roll call on the amended Committee substitute.

MR. PETERSON: On the motion to release the Senate Committee's substitute for Senate Bill 2776, Senator Oroho left a "no" vote.

Senator Bateman.

SENATOR BATEMAN: Yes.

MR. PETERSON: Governor Codey left his vote in the affirmative.

Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. PETERSON: And Chairman Smith.

SENATOR SMITH: Yes.

The bill is released; and we're ending this particular segment of the most interesting Committee in the Legislature. (laughter)

(MEETING CONCLUDED)