

# General Disclaimer for this Presentation:

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***The information within this presentation is slated to facilitate discussions on various existing and potential regulatory mechanisms. No final decision regarding this information is expressed or implied.***



# Welcome to the NJDEP Stakeholder Meeting for P.L. 2020, c. 117

SINGLE-USE PLASTIC BAG BAN,  
POLYSTYRENE FOAM FOOD SERVICE PRODUCT BAN,  
AND SINGLE-USE PLASTIC STRAWS BY REQUEST ONLY

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DECEMBER 9<sup>TH</sup>, 2021

1 PM - 4 PM

# In-House Rules Friendly Reminder

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## Attendance:

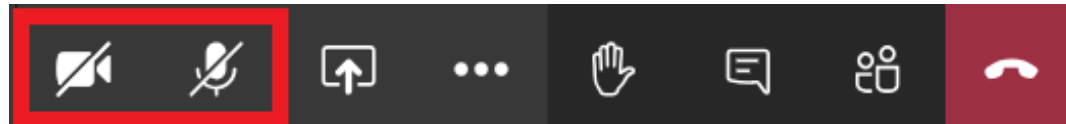
*If you have dialed into the meeting, please email Katie Greer at [katie.greer@dep.nj.gov](mailto:katie.greer@dep.nj.gov) . We are unable to identify the names of dialed in attendees.*

# In-House Rules Friendly Reminder

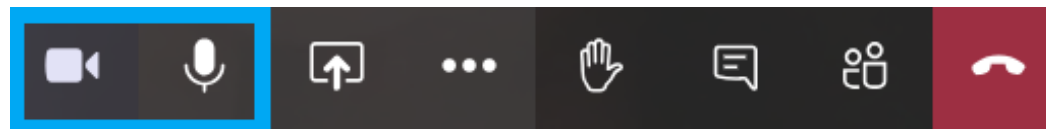
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## Questions/Speaking Etiquette:

1. Please make sure your microphone is muted and your camera is off.



2. When called on to speak, you may un-mute yourself and, if you would like, turn on your camera.



3. When you have finished speaking, please re-mute yourself and turn off your camera.

# Opening Remarks- Goals for Stakeholder Meetings

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1. Overview of Law
2. Comment
3. Closing Remarks

# NJDEP Rulemaking Team

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- Assistant Commissioner's Office, Site Remediation & Waste Management
  - Judith Andrejko, Esq.
- Bureau of Planning and Licensing
  - Erin Jensen
  - Julia Rossi
  - Chris Mikulewicz
  - Dana Lawson
  - Seth Hackman
  - Jill Aspinwall
- Bureau of Solid Waste Permitting
  - Katie Greer
- Compliance and Enforcement
  - Sonya Silcox

# Agenda Outline

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## Single-Use Plastic Bag Ban

- Scope of ban
- Alternative bags
- Impact

## Polystyrene Foam Food Service Product Ban

- Scope of ban
- Alternatives
- Waivers

## Straws By Request Only

- Definitions
- Impact

# P.L. 2020 c. 117 Overview

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## 1. November 4, 2021

- Food service businesses shall only provide a single-use plastic straw to a customer upon request by the customer

## 2. May 4, 2022

### A. Prohibits Stores, Food Service Businesses, and Grocery Stores from selling to, or providing their customers with, single-use plastic carryout bags

- Single-use carryout paper bags are banned from grocery stores 2500 sq. ft. and larger

### B. Prohibition of polystyrene foam food service products



# General Definitions

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1. "Store" is any grocery store, convenience store, liquor store, pharmacy, drug store or other retail establishment
2. "Food Service Business" sells or provides food for consumption on or off the premises, including establishments such as a restaurant, café, delicatessen, coffee shop, convenience store, grocery store, vending truck or cart, food truck, movie theater, or business or institutional cafeteria, including those operated by a government entity
3. "Grocery Store" is a self-service retail establishment that occupies at least 2,500 square feet and sells household foodstuffs for off-site consumption
  - It does not include an establishment that handles only pre-packaged food that does not require time or temperature controls for food safety

# Single-use Bag Ban Definitions

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- “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during the life cycle and after disposal.
- “Single-use plastic carryout bag” means a carryout bag made of plastic that is not a reusable carryout bag.
- “Single-use paper carryout bag” means a carryout bag made of paper that is not a reusable carryout bag.
- “Reusable carryout bag” means a carryout bag that:
  - Is made of polypropylene, PET nonwoven fabric, nylon, cloth, hemp product, or other machine washable fabric
  - Has stitched handles; and
  - Is designed and manufactured for multiple reuse.

# Single-use carryout Bag Exemptions

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- A bag used solely to contain or wrap uncooked meat, fish, or poultry;
- A bag used solely to package loose items such as fruits, vegetables, nuts, coffee, grains, baked goods, candy, greeting cards, flowers, or small hardware items;
- A bag used solely to contain live animals, such as fish or insects sold in a pet store
- A bag used solely to contain food sliced or prepared to order, including soup or hot food
- A laundry, dry cleaning, or garment bag
- A bag provided by a pharmacy to carry prescription drugs
- A newspaper bag
- Any similar bag, as determined by the department pursuant to rule, regulation, or guidance.

# What materials are you considering as alternatives to single-use plastic and paper carry-out bags?

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## DISCUSSION

Please use the “Raise Hand” function if you would like to participate and wait to be called on.

Thank You!

For further information regarding alternatives to single-use plastic carryout bags, visit the NJ Business Action Center Vendor Clearinghouse.

<https://business.nj.gov/bags/vendor-list>

# How will the single-use plastic and paper bag ban affect your e-commerce and/or delivery service businesses?

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## DISCUSSION

Please use the “Raise Hand” function if you would like to participate and wait to be called on.

Thank You!

# Polystyrene Foam Food Service Product

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A "polystyrene foam food service product" is defined as a product made, in whole or in part, of polystyrene foam that is used for selling or providing a food or beverage and includes but is not limited to a food container, plate, hot or cold beverage cup, meat or vegetable tray, cutlery, or egg carton

Exempted for a period of 2 years after implementation date:

- Long-handled polystyrene foam soda spoons when required and used for thick drinks
- Portion cups of two ounces or less, if used for hot foods or foods requiring lids
- Meat and fish trays for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance
- Any food product pre-packaged by the manufacturer with a polystyrene foam food service product
- Any other polystyrene foam food service product as determined necessary by the department.

# What alternatives to polystyrene foam food service products are you considering?

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## DISCUSSION

Please use the “Raise Hand” function if you would like to participate and wait to be called on.

Thank You!

# Polystyrene Foam Food Products Waiver

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1. A waiver may be requested for a polystyrene foam food service product or food in a polystyrene foam food service product for a period not to exceed one year if:
  - A. There is no feasible and commercially available alternative for a specific polystyrene foam food service product
  - B. The person or business has less than \$500,000 in gross annual income and there is no reasonably affordable, commercially-available alternative to the polystyrene foam food service product
  
2. Waiver forms can be found here:
  - <https://www.nj.gov/dep/plastic-ban-law/docs/bag-ban-waiver-and-cover-letter.pdf>



What guidance would you like to see regarding environmentally sound polystyrene foam food product alternatives?

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DISCUSSION

Please use the “Raise Hand” function if you would like to participate and wait to be called on.

Thank You!

# How would you define 'straw?'

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The Department interprets 'straw' as a tube of any thickness or length that one may suck through.

## DISCUSSION

Please use the "Raise Hand" function if you would like to participate and wait to be called on.

Thank You!

# How is the by request only straw program working out in practice?

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## DISCUSSION

Please use the “Raise Hand” function if you would like to participate and wait to be called on.

Thank You!

# Closing Remarks

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Polling question:

- What are questions or topics you would like to see in future stakeholder meetings?

# Closing Remarks

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1. E-mail: [singleuseplastics@dep.nj.gov](mailto:singleuseplastics@dep.nj.gov) Phone: (609) 984-4250
2. Visit <https://nj.gov/dep/dshw/plastic-ban-law/>
  - A. FAQs
  - B. Full Legislation
  - C. Timeline
  - D. Establishments and applicable provisions chart
3. NJ Business Action Center live chat Monday thru Friday, 8am to 5pm on <https://business.nj.gov/>
4. NJ Clean Communities <https://www.njclean.org/>