

ASSEMBLY BILL NO. 3726
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3726 (Third Reprint) with my recommendations for reconsideration.

We can all agree that food waste is a major issue both throughout the United States and here in New Jersey. The U.S. Environmental Protection Agency ("EPA") estimates that approximately 38 million tons of food produced for human consumption are lost or wasted every year, equating to approximately \$165 billion. Although New Jersey was the first State in the country to adopt mandatory recycling in 1987, New Jersey must continue its role as a leader and join its peer states with respect to the effectiveness of its food recycling and, as importantly, its food waste reduction mandates. I commend my partners in the Legislature for their efforts to combat the proliferation of food waste, including the enactment of bills establishing a public awareness campaign for combatting food waste and creating a Food Waste Task Force to identify strategies, policies, and legislative and executive actions that may be utilized to prevent food waste.

Assembly Bill No. 3726 (Third Reprint) is an important next step in our State's response to the social and environmental costs of food waste. While the bill provides an admirable framework for solving the food waste challenge, several amendments added throughout the legislative process severely weakened the effectiveness of the legislation. Specifically, the bill was amended to add two glaring exceptions to the bill's mandate for certain food waste generators to send source separated food waste to an authorized food waste recycling facility. The amended bill

provides exceptions that allow certain food waste generators to send food waste to sanitary landfills and incinerators. Not only does EPA's Food Recovery Hierarchy designate landfilling and incineration as a last resort for food waste disposal, but I am also concerned that these exemptions will disproportionately impact environmental justice communities that are already overburdened by waste facilities, especially incinerators which emit significant amounts of greenhouse gases contributing to global warming.

Accordingly, I am recommending amendments to remove the exemptions that allow food waste to be sent for final disposal to incinerators and sanitary landfills. My recommended changes will ensure that more food waste is properly recycled and will also protect disadvantaged communities, which are disproportionately located near landfills and incinerators, from the harmful environmental effects of food waste that is improperly disposed. I will continue to work with partners in the Legislature to battle the food waste epidemic in a manner that is fair to the communities most affected by food waste.

Therefore, I herewith return Assembly Bill No. 3726 (Third Reprint) and recommend that it be amended as follows:

- Page 4, Section 2, Line 17: After "generator" insert "provided that any authorized food waste recycling facility located within 25 road miles of the large food waste generator seeking the waiver must be given notice of the petition and an opportunity to participate in the proceeding before the Department"
- Page 4, Section 2, Lines 18-33: Delete in their entirety
- Page 5, Section 3, Line 27: Delete "and approved" and after "plan" insert "approved after the effective date of P.L. ,c. (C.) (pending before the Legislature as this bill)"

Page 7, Section 5, Line 7:

After "materials" insert "that
the supplier has certified
comply with applicable project
standards and specifications"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor