Good afternoon, my name is Peter Blair, I am an attorney with Clean Ocean Action. Clean Ocean Action is a leading regional environmental non-profit organization focused on protecting and enhancing the marine and coastal ecosystems of New York and New Jersey. Since 1984, Clean Ocean Action has been relentlessly sounding the alarm about the need to seriously address our plastic consumption and recycling practices due to the ever-growing issue of plastics polluting our coastal environments, ocean, rivers, streams, and roads.

Thank you, Senator Smith, and the members of the Senate Environment and Energy Committee for the opportunity to be a part of the preliminary discussions on this legislation. Clean Ocean Action supports the concept and the overall focus of this legislation. Creating markets for post-consumer recycled materials is an essential facet of a broader comprehensive approach to meaningfully address plastic pollution, not only here in New Jersey, but around the country. This legislation is a critical component of the state’s overall efforts to reduce plastic pollution as it will help ensure the development of a market for post-consumer recycled content, and thereby limit the need for newly produced plastic and help ensure more plastic is routed to recycling centers, and not the ocean and marine environment.

However, Clean Ocean Action cautions that this not be a substitute for other complimentary and necessary actions that also must occur. To effectively address the plastic crisis, this legislation must be a part of a broader approach that focuses on not only fixing the recycling market, but on reducing unnecessary and environmentally harmful single-use plastic items and creating an overall shift away from a culture that embraces disposability, to one centered on reuse where possible. Therefore, while COA supports this legislation, we strongly advocate that it be a part of a legislative package that includes other measures, such as Senate Bill 864, which would prohibit single-use plastic carryout bags, polystyrene foam food containers, and mandate straw-by-request across the state. This legislation must complement the others, not replace them. We can only meaningfully address plastic pollution if we take a holistic approach. There is no one fix all solution.

In terms of the specifics of S.2515, Clean Ocean Action offers the following suggestions to ensure the legislation is as strong and environmentally protective as possible. First, eliminate or strongly increase the definition of “source reduced...
“packaging.” The definition as it stands would allow manufacturers to escape the requirements of the law by creating a package which is only 10% lighter than the standard packaging for that item. This creates an unnecessary means for avoiding compliance. Therefore, the term should be removed, or the definition reworked to create a stronger level of packaging reduction.

Second, COA recommends increasing the timeframes for the requirements for plastic beverage containers to match that of California’s Assembly Bill 792. The requirements in the two bills are identical and by having them operate under the same timeframe, the legislative efforts would act in concert to create a more meaningful market change across the country.

Third, COA strongly urges the legislation to require higher percentages of post-consumer recycled content for plastic film trash bags, reusable bags, and paper bags. As currently written the legislation only mandates that plastic trash bags contain a minimum of 10% post-consumer recycled content by 2022. This legislation should create a progressive standard which increases overtime as it did with virtually all of the other items.

Fourth, the prohibition on “polystyrene loose fill packaging” should be expanded to prohibit all polystyrene packaging. The alternatives to polystyrene packaging are cost-effective, widely used, and the environmental impacts from polystyrene are well documented.

In sum, Clean Ocean Action is supportive of S.2515 and is encouraged to see the initiative being taken here in New Jersey to pass the strongest and most common-sense recycled content legislation in the nation. Thank you for your time and consideration of this testimony. This legislation is a needed step that will make recycling more meaningful in New Jersey and help increase the public’s level of trust in the process of recycling.

Respectfully submitted.

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Clean Ocean Action.