

TESTIMONY by Ray Nichols as saved 8/24/18 at 3: 23 am

The Assembly Environment and Solid Waste Committee and the Senate Environment and Energy Committee will meet jointly on Thursday, August 23, 2018 at 10:00 AM to 12:30 PM in the LMH Room, Toms River Municipal Complex, 33 Washington Street, Toms River, NJ. The committees will meet to hear testimony from invited guests and the public on the issues of single-use plastics and plastic waste, and what steps the State can take to address these issues.

Thank you for providing this opportunity to voice about our concerns.

I grew up in Bloomfield, NJ. My parents had lived through both the Great Depression and World War II. They brought me up to enjoy frugal comfort and preached “waste not, want not”. They warned me to be wary of the people and advertisers who wanted to sell me things I did not need.

One reason I am here today is because I adopted those values as my own and have shared them with my children.

Secondly, I’m here as a member of UU Faith Action of NJ, a statewide organization of Unitarian Universalists.

As a Unitarian Universalist, my faith calls me to engage in the democratic process to improve this world we live in. Another of our principles calls me to show “respect for the interdependent web of all existence, of which we are a part.” In other words, there is a moral imperative to care for the environment that nurtures us, and all life.

Regarding specific legislation:

we have appealed to the Governor to veto S2600/A3267 which was rushed through the legislature in late June. We realize that that bill was really intended to generate a new stream of income for the State without appearing to raise taxes. The simultaneous attempt to regulate the distribution of carry-out bags was simply a ruse to make it appear “Environmentally beneficial”.

A far superior piece of legislation is represented by S2776 and A4330. This bill is a reasonable first step to reduce the amount of non-biodegradable plastics in the environment. Just as importantly, since most plastics are derived from petroleum, reducing the demand for materials made from plastics will result in the generation of less green-house gases, thus reducing the rate of Climate Change.

Today, I ask you to consider three words that are especially relevant to the subject of today’s hearing: REDUCE, REUSE, and RECYCLE. Consider what they mean in terms of creating more sustainable behavior by New Jersey’s residents and visitors.

If we Reduce the amount of stuff we buy, we will create less waste.

If we can Reuse the stuff we buy, it won't become waste.

However, recycling programs have been shown to be only partially effective, unless there are strong market forces that favor the recycling of specific materials. Otherwise, materials will be discarded in the most convenient manner

Businesses, by "giving" or in reality, "selling" us stuff we can use only once, are responsible for creating the waste that we all abhor.

State government can effectively prevent businesses from creating that waste, by passing well written laws, and then ensuring they can be properly enforced. Doing so will help reduce waste and improve the environment for us and future generations to enjoy.

It is time for New Jersey to act to repudiate the advocates of the "Throw-away economy". We need to reduce the production and marketing of things that can be used only once, and then discarded. At the same time, we need to be promoting the use of reusable materials. Plastics are littering our landscape and causing significant numbers of many species of animals to die after inadvertently ingesting plastic particles. For this reason, the authors of this legislation are to be commended. Expanded polystyrene particles, plastic bags and plastic straws are among the most common, easily visible, forms of solid waste in this state. In most cases, where they are used just once and then discarded, there are less environmentally damaging alternatives readily available. Therefore, S2776/A4330, which bans those uses for which alternatives are available, is long overdue!

I would like to make a few observations about why I like S2776/A4330, and how it could be improved.

As introduced, this bill would prohibit stores and food service businesses from providing plastic carryout bags to their customers. It does not prohibit these businesses from providing paper carryout bags to their customers, as the previous legislation did. Thus, businesses have the option of providing readily biodegradable carryout bags to their customers who do not bring their own reusable bags with them when shopping.

Secondly, the bill would prohibit any person from selling or offering for sale in the State any expanded polystyrene (commonly referred to as "Styrofoam") food service product. This means that consumers will no longer be able to purchase Styrofoam cups, bowls and plates for their personal use. Thus, the bill indirectly encouraging them to use either disposable and biodegradable paper products or long-lasting washable and reusable cups, bowls and plates for their personal use.

Third, the bill would also prohibit any food service business from selling or providing any food in an expanded polystyrene food service product. We are glad to see that the definition of food service business includes institutional cafeterias. If that does not include public and private school cafeterias, then the definitions should be expanded to include them.

In addition to prohibiting businesses from selling or providing single-use plastic straws to customers, the bill should be revised to prohibit "Single-use beverage stirrers", as often provided with hot and alcoholic beverages. Adding definitions to this effect should be considered.

Regarding the specific uses of "expanded polystyrene food service product" which the bill would allow to continue (e.g., packaging raw or uncooked meat, fish, etc.), it would be more logical to create a separate "Exemption" section in the bill rather than to state that certain uses of Styrofoam type products are not included in the definition. You may discover that there are viable alternative materials to expanded polystyrene for these specific uses, in which case they need not be exempted from the ban.

We are glad to see the bill includes provisions for penalties and injunctive relief when violations occur. However, it is unclear what agency, other than NJDEP would have the authority to enforce the law. Since the bill is aimed at changing the behavior of retail businesses, local jurisdictions should be given explicit authority to enforce the provisions of this bill, once it becomes law. For example, local health officers already inspect businesses selling

food, and are therefore able to observe violations of the law. Furthermore, since police officers are often in such establishments, they could be effective enforcers of the law, simply by providing “educational warnings” to the proprietors during the first few months the law is in effect.

By authorizing penalties of up to \$5,000 for each offense, and each day during which the violation continues constituting a separate offense., this bill communicates the importance of having all businesses comply with its provisions.

Given the recent actions by several municipalities to establish similar bans, and the seasonal nature of business in shore communities, I recommend that this law should take effect before the start of next summer season, rather than one year after the date of enactment.

Thank you for your attention and consideration of my comments