



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF SUSTAINABLE WASTE MANAGEMENT
BUREAU OF SOLID WASTE PLANNING & LICENSING
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PHILIP D. MURPHY
Governor

SHAWN M. LATOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

Regarding: prohibition on use of polystyrene foam products

To: Potential polystyrene foam food service product waiver applicants:

As you may know, beginning May 4, 2022, pursuant to N.J.S.A. 13:1E-99.129 (the Law), no person or food service business in New Jersey shall sell or offer for sale any polystyrene foam food service product, and no food service business shall provide or sell any food in a polystyrene foam food service product. The Law named several exemptions from this polystyrene foam food service product prohibition.

Please note, the following product exemptions are valid until May 4, 2026, pursuant to N.J.S.A. 13:1E-99.129(d):

1. Meat and fish trays for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance
2. Any food product pre-packaged by the manufacturer with a polystyrene foam food service product
3. Any other polystyrene foam food service product as determined necessary by the Department of Environmental Protection (Department or NJDEP)

For products that are not exempt, the Law provides an opportunity to request a waiver from the polystyrene foam food service product prohibition by application to, and approval from, the Department. The form with which to request a waiver to sell/provide a specific polystyrene product not exempted above, is attached to this letter and the applicant should provide as much detail and background information as possible to assist the Department in determining if a waiver is appropriate. A separate application must be submitted for each product for which a waiver is requested.

Any approved waivers will be for a period not to exceed one year unless otherwise extended in writing by the Department upon receipt of a written application for extension received no less than 30 days prior to the expiration of the waiver.

More information on the Law (including a full copy of the Law) is available at: <https://dep.nj.gov/get-past-plastic/>.

Should you have any questions regarding this information, or the Law, please email singleuseplastics@dep.nj.gov

NJDEP Polystyrene Foam Food Service Product Waiver Application Form

Please complete all fields electronically.

Once complete, print, sign and scan the form. E-mail completed/signed form and all attachments to singleuseplastics@dep.nj.gov.

Please type in the subject line of the e-mail: "Polystyrene Waiver Request".

Contact Name _____

Business Name _____

Street Address/P.O. Box _____

City _____ State _____ Zip Code _____

Phone _____

Email Address _____

Product for which a waiver request is being submitted: _____

The Law provides for two circumstances by which a person or food service business may apply for and receive a waiver from the above prohibitions (select one):

- ☐ 1. There is no feasible and commercially available alternative for a specific polystyrene foam food service product; or
- ☐ 2. The person or food service business generates less than \$500,000 in gross annual income and there is no reasonably affordable, commercially-available alternative to the polystyrene foam food service product.

Based on the product indicated and circumstance selected above, please attach information, data, justification, proof, rationale, etc. in support of the waiver.

Note: If option #2 is selected above, documentation must include information regarding the difference in cost between the product for which the waiver is requested and alternative products.

Please note: Additional information may be required as necessary upon review by the Department.

If submitted on behalf of a business, this waiver form must be signed by an officer of such business.

Signature _____

Title _____ Date _____

