

PLASTICS ADVISORY COUNCIL MEETING
Monday, April 4, 2022, 2:00 p.m.
MINUTES

Until further notice, council meetings will be held via Microsoft Teams.
The meeting agenda provides the planned action items of the Council to the extent known at the
time of sending.

I. Roll Call

Council Members Present

Christine Cassidy
Nandini Checko
Jeanne Cretella
Judith Enck
Tim Fekete
Janine MacGregor (Commissioner's Designee)
Charles Malaniak
Gary McElyea
Melissa Miles
Loel Muetter
Amanda Nesheiwat
Mary Ellen Peppard
Beth Ravit
Gary Sondermeyer
John Weber
Cindy Zipf

Council Members Absent

n/a

Others Present

Seth Hackman (DEP)
Jill Aspinwall (DEP)
Julia Rossi (DEP)
Joanne Gemenden (NJ Clean Communities Council)
Melanie Willoughby (NJ Business Action Center)

II. Introductions

Each council member introduced themselves to the full council and provided a brief
statement of their related experience.

III. Housekeeping Matters

- a. Ethics forms for Council members
Council Members were reminded to fill out ethics forms and acknowledge receipt
- b. Nominations for Chair, Vice Chair at end of meeting
Janine MacGregor announced nominations will be held at the end of the meeting
- c. Identification of a Secretary
Julia Rossi has been appointed Council Secretary
- d. Determination of quorum: 16 total members, 9 quorum
- e. Future Meeting Schedule:

The Council decided meetings will be held the first Tuesday of each month from 9:00 – 11:00. The secretary will send out reminders for the first 6 months. Until further notice meetings will be held via MS Teams

Council meetings are not public meetings, but can invite other people, subject to approval of Chair and Vice Chair such as subject matter experts, through Julia. Council members may invite staff to attend council meetings.

IV. Briefing

- a. Presentation by NJDEP on the Overview of the Law
Julia Rossi provided a status of implementation of the law from DEP's perspective. The presentation included information on what NJDEP was currently doing to prepare for the implementation of the Law.
- b. Loel Muetter presented on DOH involvement with straws
DOH has an email address (singleuseplasticstraws@doh.nj.gov) and a webpage to track compliance complaints.
- b. Presentation by NJCCC on efforts to implement the Law
Joann provided information on bag giveaways, graphics for counties and municipalities to use, and explained that year one is to educate public to bring reusable bags. She is also collecting data as to how many bags have been distributed at the county level. Also noted that foam is not a focus for year one, as education has been directed towards residents, when asked by Cindy Zipf.

A Council member expressed concern over the theme "Bag Up NJ", and Janine MacGregor explained the themes and sub-themes and why they were selected. Council

members also asked about distribution of reusable bags and Janine MacGregor and Joann Gemenden replied as to current status and plan.

c. Presentation by NJBAC on efforts to implement the Law

Melanie Willoughby spoke with NJ restaurants, NJ Food council, etc. to make sure they are all aware that foam is not allowed. Senior centers/meals on wheels also cannot use foam. Higher ed and schools are also included. Sent out a letter to all departments to ensure all constituents don't buy more foam. Bags are related to environmentally sound alternatives, but there is no one alternative for foam. Asked DEP for educational materials for alternatives, google can be source.

The council discussed alternatives to polystyrene foam, and some members would like if the council worked together to come up with sound environmentally preferred alternative guidance for businesses. Council members expressed concerns that compostable/recyclable materials should be second to reusable/refillable. Other members noted that when it comes to refillable, food safety must be considered.

V. Mandates in Law

- a. Report due one year after the effective date of the law (November 4, 2020)
 - i. Statutory language: "No later than **one year after the effective date** of P.L.2020, c.117 (C.13:1E-99.126 et al.), and **each year thereafter**, the council shall **prepare and submit a written report** to the Governor, the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and the respective chairpersons of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, evaluating the **implementation and effectiveness** of P.L.2020, c.117 (C.13:1E-99.126 et al.), and making any recommendations for legislative or administrative action to **improve the implementation or effectiveness** of P.L.2020, c.117 (C.13:1E-99.126 et al.)"
- b. Other studies mandated by the Law:
 - i. Statutory language: The council shall also study the environmental and public health impacts of single-use plastics and micro-plastics; healthy and environmentally-friendly alternatives to single-use plastics; strategies and policies to increase the recyclability of plastics and reduce the amount of plastic entering the environment; the technological feasibility of increasing recycled content of consumer plastics and expanding the types of plastics that may be manufactured from recycled material; and ways to enhance the development and expansion of markets of post-consumer recycled plastic, including State and local purchasing and procurement practices.
- c. Report due two years after the effective date of the law (November 4, 2020)
 - i. Statutory language: No later than two years after the effective date of P.L.2020, c.117 (C.13:1E-99.126 et al.), the council **shall submit a written report** to the Governor, the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and the respective chairpersons of the Senate Environment and Energy

Committee and the Assembly Environment and Solid Waste Committee, or their successors. The written report shall summarize the analysis conducted pursuant to paragraph (1) of this subsection and **recommend ways to reduce the use of plastics and the amount of plastic entering the environment, and increase the rate of recycling of plastics**

- d. Establishment of new due dates for both reports:
 - i. One year/two years after the first Advisory Council meeting; or
 - ii. One year/two years after May 4, 2022

The Council discussed that deadlines established by the Law will be here very soon. The requirements for the report include a discussion of impacts, alternatives, market expansion, so there will be a lot of sub-themes and topics to incorporate into the reports, which will take time. Given that the Council is only starting to meet, there was a discussion on whether or not to push the two required deadlines back one year each.

Some council members were hesitant about dismissing statutory deadlines. It was recommended that any extension/adjustment to be carefully worded to acknowledge mandate and suggested both reports due in 2023. While other Council members expressed concern about not meeting statutory deadlines, they recognize that for practical reasons it would make sense to maintain the recommended timeframes established by Law but change the deadlines so that they are attainable.

It was noted by the Council, that the DEP Science Advisory Board is currently researching microplastics. It is anticipated that the Science Advisory Board will be submitting their report within a month. It was also noted during the meeting that Judy Wiess is leading this committee.

The Council then discussed if there is a possibility to have an outside consultant to assist with writing the report. DEP has authority to staff and may have the budget to hire an hourly employee to write.

There was a discussion by the Council about what data is being collected, and what is the baseline for law. Will we use beach cleanup data? From an inventory standpoint, who is using what products? The Council needs to establish feedback mechanisms. The Council discussed what are our measures of success? What are our goals? May need to be discussed in a sub-committee.

There was a discussion on whether or not the Council should make a motion on the dates of the required reports during this meeting or if the decision should be made during the next Council meeting. In addition, the Council discussed the ways in which the decision should be documented, so that the decision was not based on the global pandemic. It was recommended that the decision not be phrased to say delay, but rather the dates were amended because the Council had not met until recently. Constituents may want us to be considerate of the problems they are currently facing. A Council member asked what we would report about if we started gathering data and writing a report before the law came into effect. Ultimately the Council decided that because Council was not there and did not meet, the statutory language may be changed for report to be no later than 2023.

There was a motion by Janine MacGregor to move the first report due to May 4, 2023. The motion to move the due date of the first report to May 4, 2023 was seconded by Gary Sondermeyer. A roll call vote was taken and the motion passed with 14 yes votes and two abstentions.

There was a motion by Janine MacGregor to move the due date of the second report to May 4, 2024. The motion to move the due date of the second report was seconded by Gary Sondermeyer. A roll call vote was taken, and the motion passed with 15 yes votes and one abstention.

VI. Next Steps

a. Nominations of Chair, Vice Chair

There was a discussion on both the Chair and Vice Chair. Janine MacGregor stated that the Department is recommending Cindy Zipf, Clean Ocean Action as Chair, and Gary Sondermeyer, Bayshore Recycling, as Vice Chair.

Janine MacGregor made a motion to nominate Cindy Zipf as Chair. The motion to nominate Cindy Zipf as chair was seconded Gary Sondermeyer. A roll call vote was taken, and the motion was approved unanimously:

Beth Ravit made a motion to nominate Gary Sondermeyer as Vice Chair. This motion to nominate Gary Sondermeyer as Vice Chair, was seconded by John Weber. A roll call vote was taken, and the motion was approved unanimously.

VII. Closing Remarks

The Council had a discussion on the enforcement of the Law. It was discussed that the DEP is setting up administrative account for fines, working with municipalities and counties about enforcement. The DEP is also figuring out system to get data from who enforces the law, so we know if questions come in, who has been reported or not.

There was a discussion on what committees should be formed. These committees should be structured in line with the statute to cover tasks by committee or topic area, and each will make a work plan for everyone to refer to. If you have ideas for committees, please send them to Julia in two weeks. If there is one you are passionate about and want to chair committee, let Julia know.

One example of a committee if you look at agenda, there is a one-year report to evaluate implementation and effectiveness. Before we can do that, we need to know how we would measure effectiveness and what we would call success. That committee could tap DEP or other states or other groups for ideas and data for that topic.

Members also pointed out that there are other things happening at the same time that can help us, like microplastics research group and recycling market development council, and recycled content

law. May need to discuss what else is going on. It may be helpful for these reports to have leaders of other councils tell us what they are up to and what they have so we know what to do with them. With all those developments, there are people that can help with what reporting may look like.

If you have logistical questions, ask Julia.

Members asked if the makeup of the Council is going to be posted online?

The DEP can set up a link on the DEP website.

Meeting adjourned at 4:00 pm.