

## **PLASTICS ADVISORY COUNCIL MEETING**

**Tuesday, June 7, 2022, 9:00 a.m.**

### **Meeting #3 - 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**

Nandini Checko  
Jeanne Cretella  
Judith Enck  
Tim Fekete  
Janine MacGregor  
Gary McElyea  
Melissa Miles  
Loel Muetter  
Amanda Nesheiwat  
Mary Ellen Peppard  
Beth Ravit  
Gary Sondermeyer  
John Weber  
Cindy Zipf

##### **Absent**

Christine Cassidy  
Charles Malaniak

##### **Staff Present**

Julia Rossi- DEP  
Christina Page- DEP  
Seth Hackman- DEP  
Jill Aspinwall- DEP  
Kari Martin- Clean Ocean Action

## **II. Opening Remarks from Chair**

The Chair thanked all the committees for all the previous discussions and for working together to achieve the goals of the Council. The Chair mentioned that there was recently a garbage slick that had washed up on the beach. This is why working to reduce plastic is important.

## **III. April Meeting Minute Certification**

Motion moved by Gary Sondermeyer to approve the April minutes. Janine MacGregor seconded the motion and the motion passed unanimously.

## **IV. State Agency Report**

### **a. Updates from DEP**

The DEP reported that there were 558 calls and 539 emails that have been received since April 1. Since May 4, the daily calls and emails have greatly reduced. The calls and emails received are typically from business about content of law and people upset with getting bags with grocery delivery. Enforcement calls are up with County Environmental Health Act (CEHA) agents

The DEP has approved 26 waivers and denied 13 waiver applications, with most approvals for schools and healthcare centers.

The DEP is working on contract to distribute reusable bags with New Jersey Clean Communities (NJCCC), \$600k for 500k bags.

The Council asked whether determinations on specific types of bags from the DEP could be sent to the PAC and other associations for information, and placed on NJDEP, NJBAC, NJCCC websites.

While the DEP has reviewed and approved bags as compliant, they have steered clear of listing individual bags for efficiency. The Department tries to address certain types of bags in FAQs.

Council members are concerned that many states deal with very questionable reusable bags, and that there is no end-of-life discussion on disposal just yet. It was suggested that the Education, Compliance, Assessment committee could look into this more.

There is a single-use plastic bag donation aspect to NJCCC program with Community Food Bank of New Jersey. NJFC are encouraging people to donate bags to community food banks and food pantries, and the program is up and running.

For questionable bags, the ASTM standards certify bags as reusable with 125 uses. It was also noted that 'flimsy' bags may be more affordable for lower income New Jersians.

### **b. NJBAC and NJCC report from DEP**

The DEP is currently working on a contract for the purchase of 500,000 reusable bags for NJ Food Banks.

c. DOH report from DOH

The DOH has received one complaint from single use straws (business distributing without request) and continues to forward complaints to local health offices, updating their website for ease of use, and responding to emails from local health departments about enforcement. They directed questions about plastic bags to DEP.

The DOH also received only 8 complaints about getting plastic straws without request since Nov. 4. They have also gotten feedback on thick boba tea straws, which are specific thick straws, and businesses may need to serve drinks with ‘sippy’ lids to use less straws.

Current enforcement from local health offices focuses more on education to inspected businesses. DOH working on materials to provide to local county and health offices and may add it to annual chapter 24 inspections. The DOH can post this educational information on their webpage, once complete.

Chapter 24 refers to retail food safety and health standards. It requires an annual inspection, and the DOH may add 2 questions on straws for inspectors to ask business managers. Inspectors can take repeat offenders to municipal court. The DOH can discuss adding plastic bag restriction questions to that, but want to keep it minimal, since inspectors are already overburdened with underfunded mandates.

The DOH is also responsible for a report on straws, but it is not due until 4 years after the effective date of the law.

The council asked how the DOH handles non-compliance. If someone files a complaint, DOH will reeducate the facility and move forward, but will only act if there is a complaint or inspection.

The council suggested that to reduce plastic waste, education is needed for operators, so that they can avoid buying straws and stirrers altogether and save space and money. This information can be disseminated through restaurant associations.

## V. Old Business

a. Subcommittee reports

Environmental and Public Health Committee:

Membership includes Beth Ravit (Chair), Gary McElyea, Loel Muetter, Melissa Miles, Gary Sondermeyer.

Meets: 3rd Tuesday of the month at 2 pm.

This Committee will study environmental impacts of plastics and green alternatives. DEP’s Science Advisory Board is working on microplastics, and the Committee will reach out to them for more information. Also, they would like to discuss nano plastics, since they can enter organisms

easier than microplastics. Microfibers will also be considered, and may be considered microplastics, and if not, they are in the macro plastic category.

The committee can also do public information research and will be looking at biodegradable plastics. There is some overlap in looking at plastic alternatives with the recycling Committee. Clean Ocean Action has been tracking plastics, and this Committee will be using their resources.

The committee is also looking into corporate responsibility and environmental justice concerns. Until the Recycling Market Development Council Report is approved and released by the DEP, they can't cite it, but they can rephrase and reference it in their report. They will complete a template for their goals for the July meeting.

#### Plastics Reduction and Recycling Committee:

Membership includes Judith Enck (Chair), Nandini Checko, Tim Fekete, Christine Cassidy, and is also attended by Zak Klein with Clean Ocean Action.

Meets: 3<sup>rd</sup> Wednesday of the month 1:30-2:30.

This committee is responsible for generating ideas for new policies for plastic reduction and recycling. They currently have a working list of ideas for their report, such as restricting polystyrene foam food service products for meat, packaging with post-consumer recycled content, increasing recycling and composting, reducing produce bags, streamlining compost systems, and extended producer responsibility measures to reduce plastics.

The Committee will also look into whether micro or nano plastics are present in the composting process. Fiber based materials need to be industrially composted, and 'compostable' plastics may need guardrails concerning their disposal. This may be an area of overlap with Environmental and Public Health Committee, and Cook campus in Rutgers has an organic cafeteria with compostable plastics that may provide a helpful resource for looking into alternative materials. DEP is evaluating compostable bags to determine if they are an acceptable alternate material. Thus far they have found that compostable bags require specific controlled conditions and must be managed appropriately in order to compost successfully and as designed. The proper infrastructure and controlled conditions are needed.

The committee is also looking into what existing laws and barriers are blocking reusables. The committee will look at reusable packaging with Unilever for more information. Also, Beyond Plastics is encouraging Meals on Wheels to switch to reusable packaging and will recommend legislation and budget priorities to help increase reusables, such as getting schools dishwashers, procurement policies focused on plastic reduction, bottle bills, and analyzing colleges and their waste systems. In addition, the State has a contract to do Meals on Wheels inspections. Chapter 24 has standards for reusables, DOH can provide information and education for inspections.

Beyond Plastic has a manual to help businesses transition to reusables. TerraCycle can also help since they are working on reusable packaging. Through funding received by Sustainable Jersey, Rutgers Cooperative Extension made a 1-hour training module to bring awareness to food waste and compliance with the Food Waste Recycling and Food Waste-to-Energy Production Law P.L. 2020 c.24. Inspectors are overworked, but this program only has them give out a piece of paper to their inspections to help educate food generators they inspect. There may be other 'small armies'

to help out with education including certified recyclers in each municipality, Clean Communities Coordinators and green teams created under the Sustainable Jersey Program.

Other areas of interest may be a new law in NY and California for less single-use materials, and the use of electric vehicles for waste pickup.

The Council asked if this committee is looking into advanced recycling, and whether it is seen as manufacturing or waste management. The Committee will add this to the list and has serious concerns about advanced recycling. There is not a clear understanding of the definition of advanced recycling. Some definitions include fuel and a feedstock for recycled plastic content. There is a bill currently in assembly addressing advanced recycling. There are 9 facilities for advanced recycling. 8 process plastics to make lower grade fossil fuels, which uses pyrolysis and gasification. This uses high heat on plastics to create new fuel, and some do not see fuel as recycling. Pyrolysis is not quite incineration and uses no or little oxygen. Gasification technology can produce low grade fossil fuels. The proper term for recycling for the purpose of gaining recycling feedstock depends on what the feedstock is. Most facilities are not using plastics to make new plastic. The Committee may also need to have a discussion on whether advanced recycled technologies are safe.

#### Education Assessment and Compliance Committee

Membership includes John Weber (Chair), Jeanne Cretella, Janine MacGregor, Charles Malaniak, Mary Ellen Peppard.

Meets: TBD

This Committee is tasked with effectiveness of enforcement actions and of the law. In their first meeting they looked at websites for education, such as the DEP Get Past Plastic website, New Jersey Clean Communities Bag Up NJ website, and the NJ Business Action Center's vendor clearing house. The Committee suggested that information on straws and polystyrene foam products in restaurants and convenience stores should be included in the table hosted on the DEP Get Past Plastics website. The Bag Up NJ website does not have too much information on foam and straws, and this may need to be updated to focus on for next phase of their campaign. The Business Action Center website has the vendor clearinghouse for reusable bags. Since it is self-certified, they can also sell other products, and the website also does not describe the difference between reusable and single use bags.

The Committee will also be looking into statistics regarding the impact of the law from public outreach, food banks, and the use of donation programs such as GOATOTE experimenting with a deposit system for reusable bags. They will also make additional recommendations, such as if more ads are needed, and may partner with Rutgers to educate the regulated community.

Other possible sources of information for assessment include a poll on the effectiveness of the law prior to implementation conducted in Monmouth County, tracked complaints to WARN DEP phone line and to CEHA agents (CEHA should be taking quarterly notes on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, offences, etc.), and local level recycling rates.

Another source of information could be industry numbers on single-use plastic bags/straws/foam food products use before and after implementation of the Act and information on which businesses

are covered and expected to comply with the law (such as number of supermarkets, convenience stores, etc.). Sale numbers for bags from businesses could be helpful, especially if the numbers are broken down to types of bags, and if bag consumption decreases.

Agricultural produce markets have asked what is considered exempt. Produce bags are exempt, but single-use plastic carryout bags cannot be used for produce. The Council members would like additional education materials written about exemptions, possibly to be added to DEP FAQs. Bag information could be combined with working drafts of maps to track food waste inventory.

b. Additional metrics of success- John Weber and Janine MacGregor  
'Soft' assessment factors include education, website information, etc. 'Harder' assessment factors need to be listed, and the source of those numbers, so they can be reviewed by Council members for more even more sources.

The Council may not be able to create new data but will need to research what is there. A list is in the works with specific metrics, and it will need input on sources. Clean Ocean Action has good data, but other sources are needed.

The Council suggested looking into the Adopt-A-Highway Program, which might measure data on collected litter. DEP can discuss with NJCCC and NJBAC to find this data. NJBAC may have data on overall single-use bags purchased. Additional metrics may be required from all committees.

The Council must also consider what timeframes associated with collected data would make sense to use. There may be yearly data, with trends to compare before and after the law. New data with no baseline comparison does not show change, and change may be what we are trying to measure. New businesses in New Jersey may be a metric to consider.

## **VI. New Business**

a. Discussion on the drafting of reports- Gary Sondermeyer and Janine MacGregor

Gary volunteered to work as chief scribe for the report and will put together an outline and different models for reports for discussion at the July Council meeting. DEP has food and climate reports to reference in terms of format, as well as the NJ transportation report and the Clean Air Council report. To hire outside help to draft the report DEP would need to administer a potentially lengthy public procurement process. The Clean Air Council report has no frills, but the DEP Global Warming Response Act 80 x 50 Report on Climate has quite sophisticated graphics. DEP could hire a designer to do graphics and/or infographics and fact sheets. It was also recommended that we may need to translate fact sheets into Spanish or other languages common in New Jersey.

- b. Post council membership on DEP website
- i. No bios, just names and associations
  - ii. Brief description of council responsibilities
  - iii. List subcommittees

- c. Shared Folder- Julia Rossi to coordinate
  - i. Final documents (Agendas, Minutes, Etc.)
  - ii. Subcommittee Minutes

Instructions for use and uploading will be sent out via e-mail.

- d. Suggestions for next Agenda

The Council may hear reports from state officials, and NJCCC and NJBAC will be invited. Each Committee may give a report and their draft workplans. The Council will also be asked to provide feedback on which report format the Council would prefer. Also, the Committees should discuss metrics that show progress.

The workplan template will be added to a follow up email for Committee use. The Council is looking for initial workplan outlines, and not full, built-out workplans, for the July meeting.

## **VII. Adjournment**

Meeting adjourned by Cindy Zipf at 11:00 am