

PLASTICS ADVISORY COUNCIL MEETING

Tuesday, July 5, 2022, 9:00 a.m.

Meeting #4 - 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 (5 min)

Present

Nandini Checko
Judith Enck
Time Fekete
Gary McElyea
Loel Muetter
Amanda Nesheiwat
Mary Ellen Peppard
Beth Ravit
Gary Sondermeyer
John Weber
Cindy Zipf

Absent

Christine Cassidy
Jeanne Cretella
Janine MacGregor
Charles Malaniak
Melissa Miles

Others Present

Alan Talarsky (DOH)
Julia Rossi (DEP)
Jill Aspinwall (DEP)
Seth Hackman (DEP)
Christina Page (DEP)
JoAnn Gemenden (NJCCC)
Melanie Willoughby (NJBAC)
Kari Martin (COA)

II. Opening Remarks from Chair (5 min)

a. Committee Changes

The Chair reminded members that the one-year report is due in 7-8 months.

Melissa Miles has moved to the Plastic Reduction committee.

Charles Malaniak also now works at Bed Bath and Beyond. The updated contact list is in the shared folder.

III. June Meeting Minutes Certification

Motion to certify minutes from June 7th meeting moved by Gary Sondermeyer, seconded by Gary McElyea, passed verbally unanimously to approve.

IV. State Agency Report (25 min)

a. DEP report

Seth Hackman reported a total number of 578 calls and 578 emails received by the DEP since April 1, 2022. There have also been 291 waiver requests; most of them are healthcare facilities with no safe alternative to foam, and some are from schools. To date there are 37 approved waivers, 18 denied, and 20 in process. Some council members questioned why some other states didn't get any waiver requests. It may be good to discuss in committees, for example, what the difference is between New Jersey and Maryland requirements that may have prompted these requests.

The rulemaking for the law is underway. The Department has held 3 stakeholder meetings. Committees may discuss if the Department should further define exemptions or compliance. The Rule proposal launch is anticipated September 2022.

Council members brought up California's recently enacted Extended Producer Responsibility (EPR) law. Some members noted that this EPR law has some potential flaws that NJ can avoid in its pending legislative proposal. The California law does not ban polystyrene but requires a 25% recycling rate and allows chemical recycling of plastic.

Council members asked if there is a way DEP can reach out to healthcare and schools to present information regarding the law. The Council wants to educate more people to avoid misconceptions and asked the education committee to look into this.

b. NJBAC and NJCC report

JoAnn Gemenden reported that after May 27th (annual conference) outreach efforts have waned, and NJCCC has shifted focus to donation of reusable bags. The list of food pantries where people can donate bags is provided on the Community Food Bank of New Jersey's website. NJCCC is working with CFBNJ towards the purchase of 500,000 bags. NJCCC is also working on education for cleaning bags and metrics for DEP. The NJCCC grant application to DEP has money allotted to nonprofits for education and outreach for this law. These may become rolling

grants, if there are good applicants that can roll into year 2. This could allow litter metrics reporting to be a part of subsequent grants from NJCCC.

The Council asked NJCCC about what metrics it can provide for analysis. NJCCC can only modify statistical reports from litter abatement, but it is too late for this year. NJCCC suggested that for the 2022 grant ending in 2023, they could set up a litter reporting criterion for each county and town to retrieve any relevant and available data.

Members asked if there is an opportunity to give a template to volunteers and environmental groups for litter cleanups, in order to create new systems for gathering metrics. They also asked about how people could file complaints to DEP. The Department has 1-877-WARN-DEP, a hotline for complaints, and email (singleuseplastics@dep.nj.gov). County Environmental Health Act (CEHA) data is due soon. They have reported that there are not many penalties, but many warnings, and each county is required to do at least 25 pre-emptive inspections.

Melanie Willoughby gave a report for the NJBAC and noted that they are not getting as many questions as before. Faith-based organizations thought they were not affected by the law, so NJBAC is now meeting with faith-based groups through the Governor's office to clarify their responsibility. They are also getting calls from non-profits that represent immigrant owned stores. Outreach was not provided in languages beyond English and Spanish, so many of them were not reached. The NJBAC wants to help all members of the regulated community comply.

A national group is doing a study on how the law is working and wants to work with BAC on how NJ is doing. Bags are one part of the focus, but polystyrene is another part, and perhaps the more difficult part to assess in terms of compliance. BAC reached out to hospitality associations and national chain restaurants to gain their assistance in outreach to members regarding their obligations for compliance.

c. DOH report

The Department of Health has received 3 complaints regarding straws. 2 were complaints involved chain companies that have paper straws, but no plastic ones on request, which actually does meet the intent of the law. DOH is recruiting local health departments for education. One chain is still providing straws, and DOH is working with BAC on education for them.

The DOH also provides interpretation of the law when asked. A College asked if bioplastic straws were allowable, and the DOH responded that they are not approved as an alternative so far, but may or may not be in the future.

Some Council members were concerned that restaurants have been non-compliant and that this part of the law is not really followed so far. DOH is working on this and is revising chapter 24 that regulates food service to include the requirements of the law which will help with enforcement. It will be a multiyear process and will take time. Education will also occur through routine inspections, where a question on straws will be added. These regulations are being reviewed by DOH legal counsel, and by the end of the year, the new regulation will be available.

Joann Gemenden noted that there is lot of noncompliance with straws, and NJCCC will apply leftover funding and add straws to their outreach toolkit. This includes a trifold flier with information on ‘Skip the Straw’, and coasters for restaurants with information as well. NJCCC plans to launch these new materials before the one-year anniversary of the straw provision, November 4, 2022.

The Council also noted that bendable straws are ideal for people with disabilities and may need to make recommendations that the law address this in the future.

V. Old Business (60 min)

a. Updates from Committee/ Discussion of Workplan (30 min)

i. Education, Assessment, and Compliance (John Weber) (5 min)

John Weber reported Committee objectives and deadlines, such as metrics identification, implementation, and the one-year report.

For the one-year report, the Committee plans is to identify metrics by their September meeting, identify focus issues by November, gain input from agency partners, draft language regarding the assessment of metrics of first-year effectiveness and review the draft by January, and then provide draft recommendations to the full Council by March.

ii. Environment and Public Health (Beth Ravit) (5 min)

Beth Ravit reported that for the next 6 months, the Committee will interact with experts in the field each month. They will review current science on environmental and human health impacts of plastics and areas of further research, including fisheries, availability of plastic alternatives, programs using alternatives and reviewing success, emerging technology used to control the release of plastics fibers into the environment, with an EJ component in each assessment. They will compile organizations to invite to present to the Committee or Council to learn more about the state of the science. From July to December, they will draft analysis for the first-year report.

iii. Plastic Reduction and Recycling (Judith Enck) (5 min)

Judith Enck reported that their next meeting is July 18, and there is no meeting in August. They are looking at recommendations to reduce plastic and enhance recycling. These recommendations may be legislative and non-legislative. They currently have 25 action items and are a little stuck now with the decision-making process for recommendations. If the Committee does not reach consensus on all of the recommendations, they can either wait for consensus or vote with notes regarding dissenting opinions. This Committee advocating voting toward suggesting the strongest recommendations possible. The Council Chair and Co-Chair agreed that the question of consensus v. voting on proposed committee recommendations was an important issue, better answered sooner rather than later and thanked the Committee for raising it. They agreed to provide an answer to all Committee Chairs before the August meeting.

iv. Discussion/Questions (15 min)

1. How do Committee workplans fit in with overall schedule for the one year report?

The Chairs will review the three initial workplans submitted by the Committees to see how well they line up. All the Committees are in different places, and they may need to get input for forming recommendations and compiling metrics. The Chairs agreed that guidance in this regard was needed and will be provided.

2. What are any cross-committee issues?

Other committee members may need to visit other Committees to learn more about each other's work. The Education Committee meeting occurs July 19 at 1, the Plastics Reduction and Recycling Committee occurs July 19 at 3:30.

3. Expert Presentations

The PAC will assess the need to put together a master schedule to share for all Council members of planned expert presentations so that more than one Committee can benefit from the expert presentations.

Members asked if Closed Loop is a good group to present to the Council. The Council warned they may get inundated with recycling presentations, and stressed the need to strongly focus on reduction, reuse, and refill. One Member stated that the recycling rate of plastics globally tends to be under 10%, and Unilever is working on reusables and refillable products. Some Council members worry that it is not a good use of time to focus on plastic recycling, and speakers should be more focused on reduction. Other Council Members believe the Council needs to focus on both, since both are referenced in statute and in law. The Council may consider inviting representatives of the Recycling Market Development Council which recently completed their report to the Governor to speak.

b. First Year Report (Gary Sondermeyer) (15 min)

- i. Report Outline
- ii. Design/format of report
- iii. Discussion

Prior to the meeting, a draft report outline was provided to the Council members along with three options to consider for the design of the first-year report. These included the DEP's Global Warming Response Act 80 x 50 Report; Clean Air Council Annual Report and New Jersey Climate Change Alliance Organics Plan. The difference between the options was primarily the degree of printing and graphic quality used. After a brief overview presentation, the floor was opened for discussion.

Some Council members would like to start writing a draft of the report soon, and not only in bullet points, but also in narrative form with proposed recommendations. Concern was expressed about having too many authors with different writing styles. To address this, Gary Sondermeyer had offered to serve as the central writer to ensure consistency of style as part of the June Council meeting. This offer was reasserted. All Council members will be provided with sufficient time to review and comment on any proposed report language. Committee Chairs will be provided with template examples to help them draft their sections of the first-year report.

The potential to use outside consulting services for writing the report was also discussed, but rejected due to administrative concerns, particularly with respect to the timing in going through government procurement processes.

The Council also clarified that the Law is clear in that the target audience for the report is the Governor and Commissioner, but it will be a public document as well. The report will need to be concise, and may have short term priorities, but also longer-term ones too.

Council members were asked which of the three report formats presented by Gary they thought was most appropriate to use. Members did not express any strong views on the three options presented. Gary Sondermeyer indicated that Bayshore Recycling had prepared the Climate Change Alliance Organics Plan in-house and offered to ask the company owners if these same services could be provided at no cost for the PAC first-year report. Members expressed appreciation for this offer and Gary will provide feedback at the August Council meeting.

c. Metrics (John Weber and Seth Hackman) (15 min)

i. Committee is reviewing current list

DEP staff is coordinating with contacts to gain more information. Metrics discussed include website hits, PSAs, press releases, number of bags distributed, NJBAC number of vendors listed, initial efforts such as events attended, number of complaints by category (through hotline or CEHA), number of first, second, and third offences, impacts on industry, food stores, schools/health, retail, plastic avoidance (how many bags not purchased), weight or number could be acceptable, what are the changes of purchasing plastic bags, changes in straws, and polystyrene alternatives being used. There is also COA beach sweep data in October, Surfrider has some data, International Coastal Coalition may have data, however Clean Water Action doesn't seem to have any data. Joann has options from Clean Communities, and the Adopt-a-Highway data card may be edited through NJCCC. The DEP may get a survey or poll through Monmouth County on NJSTART and may need input on what information to poll on. Monmouth's previous poll revealed 61% of state in favor of law. County Recycling Coordinators may be contacted, but they may not be very relevant for current metrics but may set up a system for future data.

The Education and Assessment Committee plans to have decision on which metrics to include in the first-year report by September 2022.

If there are any suggestions for contacts or suggestions, send to Seth Hackman or John Weber.

ii. Assigning Members to certain metrics to evaluate

Mary Ellen and Seth will go over survey to NJFC constituents.

VI. New Business (5 min)

There is a lot of work to do, and it is time consuming, so some Council members do not want to spend too much time hearing guest speakers, and only want them to speak if there is something new to report. Currently there is no central schedule of expert speakers. There are no currently scheduled speakers.

Speakers may also be needed if there are gaps in knowledge across all committees. The Chairs will provide further guidance on the master scheduling of speakers at either the Committee level, Council level, or both.

VII. Suggestions for next Agenda (10 min)

i. Quorum for August Meeting

There is a quorum for the next meeting, but Cindy Zipf will not be able to attend. Gary Sondermeyer will act as chair.

VIII. Adjournment

Meeting adjourned by Cindy Zipf at 11:00 am.