

PLASTICS ADVISORY COUNCIL MEETING
Tuesday, October 4, 2022, 9:00 a.m.
Meeting #7 - Minutes

All 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)

Council Members Present

Christine Cassidy
Nandini Checko
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

Council Members Absent

Jeanne Cretella
Charles Malaniak

Additional Staff

Julia Rossi- DEP
Kari Martin- Clean Ocean Action
Alan Talarsky- DOH
Erin Jensen- DEP
Christina Page- DEP
Bryana DeVeaux- DEP

Panel Members as Listed Below

II. Panel Discussion on Accumulation of Reusable Bags – Cindy Zipf (60 min)
Special Guests:

i. Senator Bob Smith, Chairman, **Senate Environment and Energy Committee**, Christine Mosier and Joey Gurrentz, Committee Aide
Resource Advisors to PAC:

ii. **NJ Business Action Center:** Melanie Willoughby, Executive Director

iii. **NJ Clean Communities Council:** Joanne Gemenden, Executive Director

Panelists:

iv. **Community Food Bank of NJ:** Jen Miller, Director, Network Engagement, Adele LaTourette

v. **GOATOTE:** Renee Lundahl, Co-Founder

vi. **NJ Food Council:** Linda Doherty, President and CEO

vii. **REPLENISH:** Jennifer Apostol, Director

viii. **Wakefern:** Karen Meleta, Chief Communications Officer, Lori Price Abrams

Question: Cindy Zipf began the meeting by asking each of the panel member how they felt implementation of the Plastic Bag Law was going:

NJ Food Council: NJFC held a special board meeting to discuss overabundance of reusable bags. The transition to bagless was smooth and education was good for grocery stores, and grocery delivery should not be the grocery store's problem to resolve. Grocery delivery/3rd party shoppers are independent workers, and do not have uniforms or own special bags. 3rd party shoppers could bring their own bags. Shoppers are independent contractors. Instacart needs to be at the table to help us address this issue. Their shoppers look like any other customer, so allowing only them to use paper creates inequity.

Community Food Bank of NJ: They are developing multimedia toolkits to teach pantries how to operate without plastic bags, such as transitioning to a choice pantry where food would not be prepackaged. They also just started receiving and distributing reusable bags. Pantries are serving more food now than during the pandemic, and it would be helpful for food pantries to have a three-month extension for the holiday season. Bags that are returned are sometimes soiled and pantries would need to work with partners to clean/sanitize bags. Food stamps do not pay for soap, so bringing back clean bags is a big ask which many may not be able to afford. Jen Miller further stated that there needs standards developed of what a clean bag is, and how to clean the bag. Burden cannot be on partners to clean on site and cannot be on neighbors since they cannot always afford to do so.

Replenish: Getting bags back or even getting donated bags is hard, and they must check each bag for integrity. Some pantries have figured out how to adjust, some are struggling, and need more time. Food pantries in November will be giving out even more food and transitioning to paper or reusable bags then would be difficult. Reusable bags are not as economical as single use bags. They would also like a written ease on enforcement to help out.

Wakefern: 30% of online shopping is delivered, and that is where the problem is. There is a recycling program for reusable bags for online shoppers, but it is not a long-term solution since

bags are not reused. They are still recycling film, but some shoppers are putting reusable bags in those bins and contaminating the stream. Associates are concerned with the bags that people bring in and do not want to handle them, so an education campaign to get people to clean bags would be helpful.

GOATOTE: This is a reusable bag service with instore kiosks where people get bags, then customers can give them back to be cleaned and reused. The company is focusing on NJ due to this law, and they are in six locations and will expand to six more. All their bags are tagged to gather data on bag use, and they can be alerted if the bags enter the waste stream. To clean the bags, Goatote uses a commercial washer. There is an oxidizer with minerals in the water, then bags are UV treated and hang dried. Allowing paper would slow this innovation and may make paper bags too expensive.

NJCCC: 120,000 reusable bags went out last week, and the next order is on pause because they are adding a tag on how to clean and store bags on each bag. Buying bags is easy, but NJCCC wants to address litter in every community as well. NJCCC is rolling out a grant program to nonprofits to help with education and litter analytics. Litter clean-up programs in the State are amazed with reduction in plastic bags. NJCCC is creating videos and multimedia materials, putting out marketing materials, and will distribute these to the public. They are hesitant to roll back law, since paper is not as sustainable.

Comments/Questions:

Senator Bob Smith: Sanitizing bags is a big issue, and the State will need a service for that.

Q: Instacart is delivering groceries, why can't they be required to accept clean reusable bags back. Is it feasible?

NJFC: Contractually it would be difficult. Shoppers are independent contractors, and they are not personalized and not consistent in a shopping experience. Instacart needs some solutions, and they need to be at the table to help fix this problem.

Q: Do grocery stores have a contract with Instacart, or are they completely separate?

Wakefern: On the third-party app, consumers select a marketplace where to shop, and the third-party transfers data to grocery stores to communicate. The contract is between Instacart and the shopper, and the grocery store does not have a contract to control Instacart, its shoppers, who shops, or how they shop.

Q: GOATOTE is in six stores, and six more soon. How quickly could they ramp up to be ubiquitous?

GOATOTE: It would take 12-18 months to ramp up the program to a statewide level.

Q: Could food banks get an unofficial extension from DEP to not enforce the Law with them until after holiday season?

DEP: From the data seen to date, County agents are not prioritizing action in food pantries, and the first violation is a warning and would give them more time. It would be difficult for DEP to enact an ‘unofficial extension’, as this law gives CEHA agencies and municipalities enforcement authority. DEP will reach out to CEHA agencies.

Q: For reusable bags that GOATOTE would not accept in their machine, could a refundable deposit system with grocery stores be possible?

NJFC: It would be a non-starter and not practical to put into place, and grocery stores are working to ramp up donations to food pantries instead.

Melissa Miles with the Environmental Justice Alliance (EJAC) is focusing on helping people in overburdened communities and through an equity lens, they do not want to put a burden on consumers. Instacart users can afford to order groceries online weekly, so they would most likely be able to pay for reusable bags. The root of the issue is that people buy too much, and overconsumption will not be fixed with bags or no bags. EJAC is not in favor of extending plastic bags or the use of paper bags.

Only 10% of people are getting reusable bag buildup from grocery delivery, and fewer people have not donated those bags to food pantries, so legislation should not be necessary. People need to take personal responsibility to donate the bags and move into a world of reuse.

III. September Meeting Minutes Certification

Motion to certify the September minutes moved by Gary Sondermeyer, seconded by Judith Enck. Passed unanimously, verbally with all ayes.

IV. State Agency Report (20 min)

a. DEP report

There have been 204,000 views on the Get Past Plastic webpage, which makes it the third most visited DEP site (behind the homepage and the saltwater recreation registry). The DEP has had 2500 social media hits per month and 17 press releases. Implementation is going well, with calls, emails, and waivers decreasing and DEP hotline complaints are down.

b. NJBAC/NJCCC report

NJBAC has no complaints, only requests for help with compliance on the straw portion of the law. They are working on education campaign to get people to ask for straws.

NJCCC is shifting their branding from ‘Bag Up NJ’ to ‘Litter Free NJ’ to be more encompassing of the law. Their website is now litterfreenj.com.

c. DOH report

DOH is working with local health departments with education and is happy to partner with NJBAC to educate and post more links. As of September, DOH has received 6 complaints, one of which was that person asked for a straw and did not get one, and there have been no secondary or tertiary violations.

V. Old Business (15 min)

- a. Updates from Committees – provided via email with meeting agenda. Questions? Report of Speakers planned for upcoming meetings. (5 min)

Environmental and Public Health Committee is discussing compostable and biodegradable materials. Compostable materials have standards, while biodegradable materials do not. The NJ Food Council stated that plastic avoidance numbers from grocery and convenience stores may be considered public information. Food council is working on a short document containing these numbers with graphics and more helpful links.

The Environmental and Public Health Committee is also hosting a representative from the wastewater community on October 26th and will discuss microfibers in water and treatment plants. Microfibers/microplastics remain in sludge and how that sludge is disposed may impact the environment and human health.

- b. Update on Report Draft- Gary Sondermeyer (5 min)

Council will review the report draft mockup structure and add comments. It will be sent out later this week or next week to the full Council. The Council may need a dedicated meeting to discuss the obligations to the report, and Gary Sondermeyer is willing to work as a scribe for each Committee and their section of the report.

- c. Disclaimer Language- Cindy Zipf (5 min)

“I was appointed by Governor Murphy to serve on the Plastics Advisory Council (PAC). The Council has been meeting since April 2022. Our meetings are not open to the general public and all discussions are considered deliberative. Our first-year report to the Governor and Legislature is due in April of 2023. As provided in the Legislation, the PAC will be making recommendations for legislative or administrative actions needed to improve the implementation or effectiveness of P.L.2020, c.117. Until the first-year report is issued, it is premature to disclose the substance of any potential recommendations under consideration.”

PAC members may need to present more neutrally in public-facing presentations. On Thursday, Mary Ellen is testifying and wants to bring up this Council. That is fine, as long as one member does not speak on behalf of PAC, and identifies that their comments are from their own or their organization’s perspective.

VI. Suggestions for next Agenda (5 min)

May need to review on draft report next meeting, discuss additional speakers, or what happened during proposed legislation hearing Thursday (Oct. 6th). The Council will receive the report timeline to prepare to build the report out as information comes in.

VII. Adjournment