

PLASTICS ADVISORY COUNCIL MEETING
Tuesday, December 6, 2022, 9:00 a.m.
Meeting #9 – 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)

Members Present:

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

Members Absent:

Christine Cassidy
Jeanne Cretella

NJ DEP Staff, PAC members Support Staff and Guests Present:

Jill Aspinwall- DEP
Christina Page- DEP
Julia Rossi- DEP
Erin Jensen- DEP
Alan Talarsky- DOH
Melanie Willoughby- NJBAC
JoAnn Gemenden- NJCCC
Thomas McNeil- Instacart
Kari Martin, Clean Ocean Action

II. Guest Speaker: Instacart – Thomas McNeil (25 minutes)

Thomas McNeil with Instacart joined the Council meeting to discuss how Instacart functions and answer some questions from Council members regarding the buildup of reusable bags from delivery service. The conversation is summarized as follows:

Instacart functions as a retail enablement platform, and hosts grocery stores on their platform. Instacart offers support for brick-and-mortar stores. They contract with a network of third-party shoppers, and those shoppers choose to accept different orders on their own time and travel to the store to shop, and then deliver orders to customer's homes. A shopper could shop every day, but the average shopper does 5 hours a week or less. Shoppers are paid per order minimum wage plus tips and can see how much they would be paid for the order, with larger orders paying more than smaller ones, while searching for orders to complete. Recently, there has been a major uptick in seniors using the app to obtain groceries.

The reusable bag buildup shopping is unique to New Jersey because of paper bag prohibition. When customers order through Instacart, the shoppers use whatever is available in-store, which leads to customers being charged for reusable bags. When asked about having shoppers return reusable bags to the original store, Instacart said it would be impractical. Instacart does have contracts with participating grocery stores, and bag buildup could be addressed there, but there would need to be more discussion and mutual agreement to alter the contracts. They are currently working with the Community Food Bank of NJ to encourage bag donation. Melissa Miles can help Instacart with setting up a network, not necessarily with food banks, but more with overburdened communities and local smaller organizations there.

Tom said Instacart has not arrived at a workable solution but would like to see paper bags as an option in stores until a real program is established. Instacart supports bringing paper bags back to grocery stores for three years. Instacart shoppers could distinguish themselves from other shoppers by displaying a badge, or showing cashiers the order in the Instacart app. It was noted that perhaps not all Instacart shoppers carry their badge, and it also provides confusion among shoppers in the store as to why one shopper can get a bag and not all. Instacart stated that they would use the three years to come up with a solution that does not increase cost for customers. Instacart is rooting for GOATOTE, but the issue now is they are not big enough, and maybe three more years will let them grow. For the two years before the effective date, Instacart claimed they were focusing on expanding stores, support, and SNAP features during the pandemic, Tom was asked if a reusable bag charge is clear on the receipt for the order; he replied he wasn't sure but would check.

NJ Food Council wants further meetings to discuss this issue, as they do not want to open the law and believe paper bags would stifle innovation, but they say there is no easy simple solution. The Council would like to help Instacart make this work, as there didn't seem to be a real plan, and there is too much on the shoulders of food banks and pantries. Forming a PAC work group may be helpful to establish a public-private partnership. With 76,000 people using Instacart in NJ, many bags must be getting thrown out, which may be the biggest threat to the effectiveness of the law. It was also suggested that some funding through grants including EPA, (some are managed by NJDEP) may be available to assist with finding and implementing solutions and should be explored.

It was mentioned that the Food Council board is meeting tomorrow and has developed a plan in cooperation with the NJCCC with a proposed solution to help with this issue. This plan may be presented next month at the Council meeting, or at a committee meeting.

III. November Meeting Minutes Certification

Motion to approve minutes moved by Gary Sondermeyer, and seconded by John Weber, passed unanimously.

IV. State Agency Report (20 min)

a. DEP report

Questions from the public continue to decline and are down to one or two a week. The DEP is putting together holiday social media posts about bag reuse. They have also approved the polystyrene waiver submitted by a large school district under the condition it will expire August 31st, 2023 and will not be eligible for extension. The applicants provided NJDEP with communication with suppliers that documented that product alternatives are not consistently available due to supply chain issues.

b. NJBAC/NJCCC report

Food banks received the first reusable bag shipment from NJCCC in October, and a second and third shipment has also been ordered with 125,000 bags per order, with the next one arriving before the holidays. This shipment will have new tags about cleaning and storing bags in English and Spanish. To support smaller food pantries, NJCCC is working with a third-party company to deliver to non-profit organizations.

NJCCC is also working on straw messaging to increase compliance with NJBAC and the Restaurant and Hospitality Association. The flyer will have a QR code for more info, and Julia will send this flyer to all Council members.

To increase data and analytics, NJCCC is also working with non-profits to fund outreach with their grants. International Coastal Cleanup is coordinated and supported in New Jersey through NJCCC, and they are working on the data collected there and will share the results when ready.

c. DOH Report

The DOH has received 5 email complaints: one was about a straw provided without request, and two were about not receiving a straw when requested, and the other two were for interpretation requests. Non-compliance requests have been forwarded to local health departments.

There was an issue with stores putting out boxes of straws for customers, as opposed to exclusively upon request, and DOH believes this is not in compliance with how the law is written but there are no statements on this issue from DOH. Emphasis is on education during inspection, and not heavy fines.

V. Old Business (55 min)

a. Updates from Committee/ Discussion (20 min)

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

The committee is now looking for recommendations for the first-year report and will discuss this on December 20th at 1 pm.

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

A large problem with single-use plastics is micro/nano plastics. More education on macro plastics becoming micro plastics is needed, and it is a long-term education issue. It was noted that the State Science Advisory Board has completed a draft of its report regarding microplastics, but that report is under peer review and may not be available in final form for inclusion or public reference in the PAC first-year report. However, a summary of the Science Advisory Board work has been prepared by the committee for inclusion in the first-year report along with a report recommendation. The committee met with the former Executive Director of the Camden County Municipal Utilities Authority treatment plant and learned the biggest source of plastic in the environment is microfibers from wastewater treatment, for which the Camden plant implemented a voluntary plan to achieve significant additional microfiber capture which was very successful. The committee is developing a first-year report recommendation regarding improved wastewater treatment to increase microfiber capture. December 20th at 2 pm is the next committee meeting. There is a general need to focus on the larger scientific issues of micro and nano plastics in the environment including as an ecosystem and public health threat.

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

Judith recommends PAC members read a recently published book entitled “A Poison like No Other” by Matt Simon about plastics building up in the environment. The committee will meet Friday Dec. 16 from 1-2:30 and will be gathering recommendations and drafting them to submit to Gary.

b. Discussion of First Year Report (Gary Sondermeyer) (35 min)

i. Report Format- Option 1 (two-paragraph)

The format for the first-year report will be as such: Cover page, then a letter from the chair, a table of contents, an introduction to frame the statutory charge in the law and the three committees, summary of membership, then recommendations. First paragraph of each recommendation should provide background on importance, and paragraph two the specific recommendation or opportunity for action. There will be a recommendation introduction, then committee by committee will list recommendations. Later in the first-year report, each committee will have an individual chapter/section with their basis and background for their first-year report recommendations, along with a summary of their work during the first year. The sections will be ordered: Education, Assessment, and Compliance, then Environmental and Public Health, and finally Plastic Reduction and Recycling. Section 5 is future Council activities in the second year of work, and finally the appendices: A is for a summary of experts who met with the Council, B is materials/references, Appendix C is copy of all of the meeting minutes, and Appendix D is a copy of the Single-Use Plastics statute.

ii. PAC Recommendation Presentation and Discussion Meetings

1. Jan. 10, Jan 24, Feb. 7, Feb. 14 at 9 am

The Council will hold four two-hour meetings to enable each committee to present their proposed recommendations for inclusion in the first-year report. Discussion will follow between the PAC membership toward arriving at consensus positions on the final list of first-year report recommendations. Members shall submit recommendations as word documents to Gary Sondermeyer by the end of the year, so that the report may be put together. Gary will send out a template for recommendations later this week and will collaborate with committees to write the background for each.

VI. Suggestions for next Agenda (5 min)

For the next meeting, the NJDEP is planning to set up a focus team for discussing potential solutions to address reusable bag buildup due to delivery, discuss the incoming NJ Food Council announcement on their proposed plan, and review the DEP Science Advisory Board report on microplastics. If members want to use this DEP report for the year-one report, they may do so, but DEP's science and research team ask that they use the references in the report rather than reference the report itself.

VII. Adjournment

Meeting adjourned at 11:00 am

Respectfully Submitted:

Julia Rossi
Secretary, NJPAC