



# Single-use Products and Entities subject to N.J.S.A. 13:1E-99.126 et al.



June 2022

**May 4, 2022**

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## New Jersey State Law

P.L. 2020 c. 117 took effect regarding:

- single-use plastic carryout bags<sup>1</sup>
- single-use paper carryout bags
- polystyrene foam food service products<sup>2</sup>

<sup>1</sup>Food banks & food pantries have an additional six (6) months, through November 4, 2022

<sup>2</sup>certain products have an additional 2 years





# Business Locations

	Cannot Provide or Sell	Other options:
Grocery Store (2,500 sq ft or larger)	single-use plastic or paper carry out bags food in polystyrene foam* Polystyrene foam food service products	Customers bring & use their own bags Sell reusable bags Plastic, paper, aluminum food containers
Convenience Store	single-use plastic bags Polystyrene foam food service products food in polystyrene foam*	Customers bring & use their own bags Reusable or paper carry out bags Plastic, paper or aluminum containers
Pharmacy	single-use plastic bags	Customers bring & use their own bags Reusable or paper carry out bags
Retail Store	single-use plastic bags Polystyrene foam food service products	Customers bring & use their own bags Reusable or paper carry out bags
Food Services	single-use plastic bags food in polystyrene foam*	Reusable or paper carry out bags Plastic, paper or aluminum containers
Restaurant	single-use plastic bags food in polystyrene foam	Reusable or paper carry out bags Plastic, paper or aluminum containers

\* Polystyrene foam for raw and deli sliced meats, including poultry and fish trays, and grocery items pre-packed by a manufacturer are exempt for an additional 2 years.

# Single-Use Plastic Carry Out Bag defined:

a carryout bag made of plastic that is not a reusable carryout bag

"Plastic" means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during the life cycle and after disposal.

"Reusable carryout bag" means a carryout bag that:

- (1) is made of polypropylene, PET nonwoven fabric, nylon, cloth, hemp product, or other machine washable fabric;
- (2) has stitched handles; **and**
- (3) is designed and manufactured for multiple reuse.

"Carryout bag" means a bag that is provided by a store or food service business to a customer for the purpose of transporting groceries, prepared foods, or retail goods but **shall not include:**

- (1) a bag used solely to contain or wrap uncooked meat, fish, or poultry;
- (2) a bag used solely to package loose items such as fruits, vegetables, nuts, coffee, grains, baked goods, candy, greeting cards, flowers, or small hardware items;
- (3) a bag used solely to contain live animals, such as fish or insects sold in a pet store;
- (4) a bag used solely to contain food sliced or prepared to order, including soup or hot food;
- (5) a laundry, dry cleaning, or garment bag;
- (6) a bag provided by a pharmacy to carry prescription drugs;
- (7) a newspaper bag; and
- (8) any similar bag, as determined by the department pursuant to rule, regulation, or guidance.





## Allowable single-use bags:

In certain circumstances some bags are not restricted or limited by the Law.

- Paper bags for general retail or food service businesses but are not allowed in large grocery stores.
- Plastic bags that are not considered carryout bags. Examples include bags that contain raw meat, produce, dry cleaning, prescriptions or newspapers.





# Examples of Prohibited Bags

Generally, carryout bags made of *plastic material* are no longer allowable under this law.



Adhesive handles, or those attached with glue do not meet the stitched handle requirement for reusable bag.



Common plastic bag materials include:

- Low-Density Polyethylene (LDPE)
- Polycarbonate (PC)

Any plastic alternatives (plant-based, compostable, etc.) that qualify as plastic in the definition given above are prohibited when designed as single-use carry out bags.



# Reusable Carryout Bag Examples

There is no minimum thickness for a bag to be considered reusable.



The bag must have handles to be considered reusable; these handles can be stitched in a traditional manner or be by ultrasonic stitching.



Must be capable of withstanding multiple washes (approx. 125), either by hand or machine, while maintaining usefulness and integrity



Acceptable bag materials:

- polypropylene
- PET (or polyester) nonwoven fabric
- Nylon
- Cloth
- Hemp product
- Other fabric



# polystyrene foam food service products



A product made, in whole or in part, of polystyrene foam that is used for selling or providing a food or beverage, and includes, but is not limited to food containers, plates, hot or cold beverage cups, meat or vegetable trays, cutlery, egg cartons etc.

Applies to all persons, including retail stores, food service businesses, and restaurants.

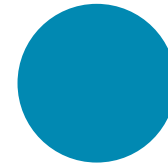


# Two-year exemption Polystyrene foam products

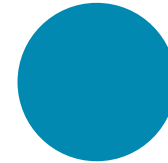
Until May 4, 2024

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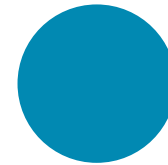
Certain polystyrene foam food service products can continue to be utilized for a limited, 2-year duration, as listed to the right. Other polystyrene foam food service products may be added to this list as determined necessary by the Department.



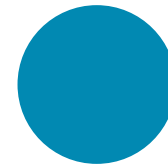
disposable, long-handled polystyrene foam soda spoons when required and used for thick drinks



portion cups of **two ounces or less**, if used for hot foods or foods requiring lids



meat and fish trays for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance



any food product pre-packaged by the manufacturer with a polystyrene foam food service product

# Waivers

Retail stores, grocery stores and food service business may petition the Department for a one- year waiver for certain polystyrene foam food service products if:

1. there is no feasible and commercially available alternative for a specific polystyrene foam food service product; or
2. the person or food service business has less than \$500,000 in gross annual income and there is no reasonably affordable, commercially-available alternative

- Only for polystyrene foam food service products, for up to 1 year.
- Approved waiver records are to be maintained by the applicant.
- Questions about waiver status may be directed to the Department using the contact information that follows.

# General Contact Information

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singleuseplastics@dep.nj.gov



<https://www.nj.gov/dep/get-past-plastic/>



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Thank you!

Waste & UST Compliance & Enforcement

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