



Northeast Region

Senator Bob Smith
State Senate Environment and Energy Committee, Chair
216 Stelton Rd., Suite E-5
Piscataway, NJ 08854

Senator Smith,

I am writing you on behalf of the New Jersey Chapter of the National Waste & Recycling Association (“NWRA”). The collective work of our New Jersey members is responsible for 46,000 jobs in the state; a payroll of \$2.3 billion and \$ 8.4 billion in annual state revenues.

NWRA recognizes and applauds New Jersey in particular for its longstanding role as a leader on sustainability solutions. NWRA and its members are similarly committed to supporting the development of safe, economically sustainable, and environmentally responsible recycling programs benefitting communities throughout the State.

We strongly support the work that the State of New Jersey has done in regards to its new Recycled Content Law ([P.L. 2021, c. 391](#)). However, a statewide extended producer responsibility (“EPR”) program for all packaging materials and paper products has the potential to upend New Jersey’s existing recycling programs, may have lasting impacts on innovation and investment, and could even do more harm than good when not enacted in a thoughtful manner that accounts for system wide effects and end market considerations.

There are several concerns that we have with the current legislation. They include:

1. An advisory committee representing a variety of stakeholder interests is essential to the development of any EPR legislation.

For any EPR program for packaging material and paper products to succeed in the State, it is vital that the concerns and objectives of all relevant stakeholders, including counties and municipalities, residents, and private recycling collection and processing service providers are considered and meaningfully addressed. Accordingly, any EPR legislation should create an advisory committee representing a variety of stakeholder interests. The committee should be involved in crafting the State’s EPR program from the outset by providing feedback regarding statewide recycling performance goals. The advisory committee should



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be empowered to provide feedback to producer responsibility organizations (PROs) before their new, updated, and revised PRO plans are submitted to the Department of Environmental Protection (DEP) for review. Producers and PROs should also be required to respond in writing to the advisory committee's comments and recommendations during the plan creation and implementation processes to ensure that stakeholder input has a real role in shaping the state's EPR efforts and to inform DEP's understanding of how the comments and recommendations effected the submitted plans.

2. A comprehensive statewide needs assessment must be conducted prior to the enactment of any EPR program.

A fully funded needs assessment is a prerequisite to any effective EPR legislation in order to identify strengths and gaps in New Jersey's recycling system. Determining that EPR for packaging materials and paper products is the solution to New Jersey's recycling challenges before determining the cause and scope of those challenges, and without considering alternate strategies, is akin to "putting the cart before the horse." An extensive needs assessment would be necessary to inform funding strategies and reimbursement rates supporting an economically viable EPR system.

3. EPR legislation must recognize and protect New Jersey's existing recycling infrastructure.

New Jersey's recycling systems have benefitted from significant investments in processing facilities and other assets, and those investments should be expanded upon and improved, not abandoned for the cheapest possible alternatives. Abandoning the state's existing infrastructure in the name of cost savings for PROs will strongly disincentivize future private investments and undercut the state's goal of improving recycling rates, increasing recycling capacity, and improving access to services for its residents. Thus, while providing funding to strengthen recycling and reuse infrastructure is an important goal of EPR, producers and PROs should work with existing waste haulers, recyclables handling and recovery facilities, recyclers, and municipalities to operate or expand current collection programs. PRO funding must prioritize improvements to existing infrastructure rather than the creation of new, duplicative facilities and programs.



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4. Local governments and residents should retain control over local recycling solutions.

A significant percentage of New Jersey residents currently receive recycling collection services through subscriptions with private haulers. Any proposed EPR programs should ensure that these residents do not lose subscription recycling collection services if they desire. Additionally, PROs should reimburse municipalities for the costs of providing recycling services to their residents as established through the needs assessment process. Local governments are in the best position to determine which services are most efficient and convenient for their residents and which strategies have the best chance of succeeding. EPR legislation should not encourage municipalities to turn over control of their recycling programs, particularly curbside recycling programs, to PROs which are neither elected by nor accountable to local taxpayers.

5. Any EPR Legislation Should Focus Strictly on Residential Service

Commercial and industrial programs should not be covered by a mandatory statewide EPR program. Including commercial and industrial customers in a statewide EPR program would hamper private recycling entities' ability to continue operations throughout the State. It is unclear whether the legislation is intended to cover recycling collection from non-residential sources other than schools or public agencies but, to the extent the legislation is intended to cover recycling programs for commercial and industrial customers, NWRA opposes the inclusion of those programs in the bill.

5. EPR is not a quick fix to solving the problems impacting statewide recycling rates.

While EPR may assist New Jersey's entire recycling system, it will not solve many of the problems negatively effecting statewide recycling rates, such as contamination, confusion over what materials can be recycled, and inadequate markets for recycled materials. Moreover, EPR that fails to acknowledge the importance of creating demand for recyclable materials will simply add cost to an already stressed system, without achieving net environmental benefits.

As I mentioned earlier, New Jersey's Recycled Content Law has the potential to create more robust markets for materials recovered through recycling programs, thereby supporting their use for manufacturing into new products and packages.



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It is vital that the state gives time for this new law to have an impact, before branching off into something else.

That said, EPR models for single items like mattresses or paint are a little further developed. Accordingly, these items might be the best suited for further consideration by the Legislature.

NWRA looks forward to working with you in the future on behalf the New Jersey waste and recycling industry.

Sincerely,

Lew Dubuque

Lewis A. Dubuque
Northeast Regional Vice President, New Jersey Chapter
National Waste & Recycling Association