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Bill Summary – Carryout Bag Reduction and Recycling Act (S-812)

Bill Sponsor: Senator Bob Smith (D-Middlesex)

Action to Date: Released from the Senate Environment and Solid Waste Committee (Smith chairs this committee) on Monday, December 17th.

Summary:

As the title indicates, this bill seeks to reduce paper and plastic bag usage at retail and supermarket establishments. The justification for the measure is that paper and plastic carryout bags "...have significant and detrimental environmental impacts each year; using over 12 million barrels of oil, cutting down over 14 million trees, and killing thousands of marine animals through ingestion and entanglement". To that end, the bill would establish new requirements on any supermarket or retail establishment that has over 1,000 square feet of retail space that provides paper or plastic bags to customers.

What follows is a summary of the specific provisions of the bill:

- ✓ Imposes a five-cent-per-bag fee on every paper or plastic carryout bag that is provided to the customer effective January 1, 2014. This fee would be paid by the customer, but it would be responsibility of the establishment to ensure that the fee is collected. One-cent of the fee goes to the operator with the remaining four-cents remitted to DEP and earmarked for its newly-formed "Barnegat Bay Restoration Fund".
- ✓ Retailers offering a voluntary carryout bag credit program to customers who bring their own reusable bags are entitled to keep two-cents of every five-cents collected, remitting the remaining three-cents to DEP for the "Barnegat Bay Restoration Fund". This provision is intended as an inducement for supermarkets and retailers to offer an incentive for customers to bring their own reusable bags.
- ✓ The bill also imposes new record-keeping requirements on operators, who would now have to provide quarterly reports, commencing on April 1, 2014, to the DEP documenting: the total fees collected from the distribution of disposable carryout bags, the total amount retained by the operator, and the total amount credited to customers who provide carryout bags under a voluntary carryout bag credit program if they have such a program in place.
- ✓ Effective January 1, 2015, operators would also be required to provide only compostable plastic bags and recyclable paper bags to the customer.

****Note: Farm markets that satisfy the criteria for Right to Farm protection are exempt from this legislation. This includes any farm market on a commercial farm where at least 51% of the annual gross sales of the retail farm market are generated from sales of the agricultural output of the commercial farm or 51% of the sales area is devoted to the sale of the agricultural output of the commercial farm.****

Though the bill exempts certain farm markets as defined in the Right to Farm Act, not all farm markets meet the abovementioned criteria. NJFB continues to have concerns with this legislation and will continue to share these concerns with the bill's sponsor.

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December 20, 2012