

# New Jersey Needs a Packaging Reduction Bill

*Senate Bill S3398 and Assembly Bill A5009 assign responsibility to the producer to effectively reduce plastic waste used in packaging*

## The Problem:

An excessive amount of plastic is used in packaging food and drink containers while leaching toxics into what we eat and drink. We need to put a stop to this.

Consumers believe plastic is being recycled but in actuality most (94-95%) is being taken to landfills and incinerators because of the multitude of chemicals used in their production.<sup>1</sup> There are over 4,200 chemicals used in plastics production and considered “substances of concern” because they are toxic to the human health.<sup>2</sup> It is costly and technically difficult to separate the chemicals to reuse and recycle them in a manner that is not toxic. The comingling of different types of plastics and cross-contamination from food and other products also hinder their recyclability. **This causes only 5-6% of all plastic to be recycled.**

Over 300 million tons of plastic are produced each year with over half being single-use plastics. This number is projected to steadily increase each year.<sup>3</sup>

**Within two years, there will be a 3 to 1 ratio of fish to plastic in the ocean because of the ever-growing increase in production of plastic.<sup>4</sup>**

Most plastics are manufactured in low-income communities of color and then transported across the country. The 2023 Norfolk Southern train derailment in East Palestine, Ohio carried 5 train cars of vinyl chloride, a chemical used to make plastic, contaminating 16 states.

The derailment could have happened anywhere, as with the train in 2012 that released 23,000 gallons of vinyl chloride into the Mantua Creek in Paulsboro, NJ, near Philadelphia, when a bridge collapsed.<sup>5</sup>



Photo: Bill McDonald, Algalita Foundation

1 Greenpeace. <https://www.greenpeace.org/usa/news/new-greenpeace-report-plastic-recycling-is-a-dead-end-street-year-after-year-plastic-recycling-declines-even-as-plastic-waste-increases/>

2 Nature. <https://www.nature.com/articles/s41586-025-09184-8>

3 UN Environment Programme. <https://www.unep.org/news-and-stories/story/world-leaders-set-sights-plastic-pollution#>

4 The Guardian. <https://www.theworldcounts.com/challenges/planet-earth/oceans/more-plastic-than-fish>

5 National Oceanic and Atmospheric Administration (NOAA). <https://response.restoration.noaa.gov/about/media/train-derails-paulsboro-nj-releasing-23000-gallons-toxic-vinyl-chloride-gas.html>

6 PBS News.org/newshour/science/is-burning-trash-a-good-way-to-dispose-of-it-waste-incineration-in-charts

## The Solution:

Customers largely have no choice when shopping and purchasing needed items with excessive packaging, yet the public pays the cost of recycling, as well as the burden to our environment and our health. The packaging of all products needs to be reduced. Better choices need to be made by the producer to reduce single-use plastic (e.g. product packaging, containers, wrappers, beverage bottles) by reducing the amount and/or thickness of plastic, eliminating packaging layers and/or choosing alternative materials that are better able to be recycled than plastic.

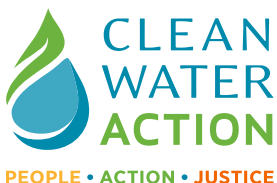
## About the Packaging Bill — S3398/A5009:

Currently, there are 5 other states with packaging reduction laws. Maine was the first to implement (July 2021), followed by Oregon, California, Colorado, and Washington. A number of other states have introduced bills. There are very well established and detailed Extended Producer Responsibility (EPR) laws in other parts of the world, specifically Europe and Canada. New Jersey should be a leader in the United States with a strong bill that includes the following provisions.

- Reduce the weight of packaging by 10% every 2 years so that by 2032 companies have met a 50% reduction in weight. Plastics should not be substituted for other materials to achieve waste reductions requirements as measured by weight leading to the unintended consequence of more plastic packaging because it is lighter than other materials.
- Ban the 14 most toxic chemicals from being used in packaging, specifically food packaging.
- Put the the fiscal responsibility with the companies and not NJ taxpayers to reduce packaging waste going to landfills and incinerators. Revenue would be generated to further compensate local taxpayers and customers of private waste haulers to help with recycling collection.
- Prohibit the siting of “chemical recycling” facilities (also known as pyrolysis, gasification et al) anywhere in the Garden State. They falsely claim they can safely convert plastic into a gas, chemical, tar or oil.
- Prioritize communities (typically low-income and people of color communities) most affected by plastic production and disposal in funding so they are given first access and priority to a new source of funding resulting from the creation of eco-modulated fees on packaging.

## The Coalition:

Clean Water Action is co-leading a statewide coalition with a growing number of New Jersey residents and environmental groups including Beyond Plastics, Clean Ocean Action, Environment New Jersey, Just Zero, New Jersey Environmental Justice Alliance, Sierra Club, and Surfrider Foundation. Together, we successfully secured the 2020 Bag and Polystyrene Ban law (effective May 2022), reducing approximately 8.8 billion bags from going into the waste stream. We are now advocating to further reduce single-use plastics used in packaging as we seek passage of the strongest Paper and Packaging Product Stewardship Act (S3398/A5009) possible.



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