



Melanie Willoughby

Executive Director

NJ Business Action Center



Countdown to the Plastics & Styrofoam Ban

July 16, 2021

www.DowntownNJ.com

DOWNTOWN

NEW JERSEY

Education

- Technical Assistance
- Quarterly Newsletters
- Quarterly Round Tables
- Webinars & ZOOM Exchanges
- Annual Conference

Advocacy

- Quarterly Policy Watch
- Real Time Policy Advisories
- Legislative Testimony

Recognition

- Annual Awards
- Quarterly Member Spotlights
- Social Media Shares

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Downtown New Jersey is a member-supported non-profit organization.



Upcoming Forums:

- Sept 17: Dealing with Brownfields in Your Downtown

Past Forums:

- Cannabis is Coming, Are You Ready?
Downtown Reinvention as the Road to Recovery
- COVID Lessons Learned: From Tactical to Practical
- Preparing for the Post-Pandemic (Part 1&2)
- Winning Winter
- The Retail New Deal
- Recovery Marketing
- Reinventing Events
- Commercial District Recovery
- Re-entry for Retailers
- Digital Resources for Downtowns
- NJEDA Phase 2 Small Business Assistance Grants
- Is Your Downtown Ready to Re-Open for Business?
- Farmers Markets in the New Normal
- Getting Back to Business Safely
- Supporting Local Economies Webinar
- Downtown Budgeting Now
- What's next for the Retail Real Estate Market?
- Survival Marketing Workshop
- State & Federal Relief Programs

Registration, recordings & resources at
www.downtownnj.com/downtown-forums



NEW JERSEY BUSINESS ACTION CENTER

HELPING BUSINESSES PREPARE FOR THE PLASTIC CARRYOUT BAG AND POLYSTYRENE FOAM BAN

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NEW JERSEY BUSINESS ACTION CENTER

**“WE ARE FROM STATE GOVERNMENT AND
WE ARE HERE TO HELP YOUR BUSINESS”**

Business Questions? NJBAC Has Answers.

- **The New Jersey Business Action Center (NJBAC)** is a business-first resource that can help you get answers from government agencies, direct you to appropriate officials or contacts, facilitate meetings and follow-ups with regulatory agencies and more, all at no cost and strictly confidential
- **We are a business advocacy team within the Department of State**, dedicated to solving problems and maximizing growth opportunities
- **“Ask Our Business Experts”** Live Chat Mon-Fri (8am-5pm), 1-800-Jersey-7





NEW JERSEY BUSINESS ACTION CENTER

OVER THIRTY YEARS OF SERVICE TO THE NEW JERSEY BUSINESS COMMUNITY

Three Offices Devoted to Business Advocacy

- **Office of Business Advocacy** – Help with real estate site searches, to find the right location whether growing or consolidating, permitting at state and municipal levels and applicable tax incentive & credit programs available
- **Office of Small Business Advocacy** – From startups to Main Street, helps small businesses navigate business registration, tax compliance, financing options, certifications & licensing requirements, business & marketing plans
- **Office of Export Promotion** – Companies can tap into global business resources, like creating an export plan, guidance in identifying global export markets, guiding you through foreign custom procedures, and access to the SBA's New Jersey State Trade Expansion Program grant program





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HOW CAN THE NJBAC HELP YOU?

Think of the NJBAC as Your Connector

- **Connects** you with the technical assistance you need for fiscal stability and business continuity, like writing a business plan
- **Identifies** critical access to capital and local, state and federal grant and loan programs, like the SBA, EDA, CDFI's, and local banks
- **Provides** guidelines for new rules and regulations, and operating your business safely, and identifies access to PPE. forms.business.nj.gov/ppevendor/list/
- **Clarifies** State mandated employee benefits, like earned sick leave, paid family leave, temporary disability and workers' compensation
- **Identifies** the licensing and certification requirements you need to operate, like small business, women or minority owned or veterans owned business certifications





NEW JERSEY BUSINESS ACTION CENTER

HOW CAN THE NJBAC HELP YOU?

Think of the NJBAC as Your Connector

To all of the state departments, agencies and organizations that can directly answer your questions, solve your problems, provide you with resources and technical assistance

NJBAC connects you with:

- ✓ New Jersey Economic Development Authority
- ✓ New Jersey Treasury Department
- ✓ New Jersey Department of Labor and Workforce Development
- ✓ NJ Consumer Affairs Division
- ✓ New Jersey Department of Community Affairs
- ✓ New Jersey Small Business Development Centers
- ✓ New Jersey Department of Environmental Protection
- ✓ Programs available from your County or Municipality





business.nj.gov



- **Plan, Start, Operate, Grow** content crafted around where you are in your journey as a business.
- **Robust search function** providing immediate targeted answers
- **Business Starter Kits** – jump start your development with one of these kits, food trucks, online commerce, cleaning services, restaurants, etc.
- **Over 100 FAQs** detailing important state agency services for businesses.
- **Live Chat, powered by NJBAC Business Experts** – making contact with state government very easy.
- **Create a Business Plan** – Step by step process provided to help craft game plan, hone product, understand customer base and guide decision-making to set up business for success.
- **Filings and Accounting** – Find due dates for important license renewals, tax statements, and reporting forms, as well as information on how to file annual reports and access Premier Business Services.
- **Contract with the State** – Step by step process for many opportunities for a wide variety of business sectors to do business with the State.



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PLASTIC CARRYOUT BAG AND POLYSTYRENE FOAM BAN P.L. 2020 c.117

The NJ Legislature wrote the responsibility for business compliance right into the new law:

- NJ Business Action Center (NJBAC), within the NJ Department of State

Because the NJBAC was uniquely qualified:

- To communicate with all businesses around the state
- Help them navigate government
- Understand & comply with new laws

The NJ Legislature gave the responsibility for regulation of the law:

- NJ Department of Environmental Protection

The 2 Departments have formed a strong partnership to ensure smooth implementation





PLASTIC CARRYOUT BAG AND POLYSTYRENE FOAM BAN P.L. 2020 c.117

November 4, 2020

Signed by Governor Phil Murphy

May 4, 2022

Effective Date

- The new law bans single-use plastic carryout bags, single-use paper carryout bags at grocery stores at and over 2500 square feet
- The new law bans all polystyrene foam food service products even for sale
- It pertains to all retail stores, grocery stores and food service businesses
- Limits plastic straws to by-request-only after November 4, 2021
- The new law supersedes all previous local, county or city ordinances that pertain to single-use plastic or paper carryout bags or polystyrene foam



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WHY ARE WE TALKING ABOUT THIS NOW?

- To give all retail stores and food service businesses time to prepare
- To recognize the need to use up existing inventory because all plastic carryout bags regardless of thickness and polystyrene foam will be banned, with some exceptions
- To provide time for the NJ Business Action Center, Department of Environmental Protection, and NJ Clean Communities Council to conduct awareness campaigns over the next 12 months
- To provide resources to help businesses comply with the requirements of the new regulation





WHAT BUSINESSES WILL BE AFFECTED?

Under the law ...

- A "Store" is any grocery store, convenience store, liquor store, pharmacy, drug store or other retail establishment
- A "Grocery Store" is a self-service retail establishment of 2500 square feet or more selling household foodstuffs for off-site consumption
- A "Food Service Business" sells or provides food for consumption on or off premises, including establishments such as a restaurant, cafe, delicatessen, coffee shop, convenience store, grocery store, vending truck/cart, food truck, movie theatre or business or institutional cafeteria, including those operated by a government entity





WHAT IS ALLOWED AND WHAT IS A REUSABLE BAG?

As of May 4, 2022

Only reusable or paper carryout bags may be provided by retail stores and food service businesses, and only reusable carryout bags may be provided by grocery stores at and over 2,500 square feet

Alternatives to polystyrene foam food service products will be released shortly

The law defines reusable bags as ones that:

- ☐ are made of polypropylene fabric, PET non-woven fabric, nylon, cloth, hemp product, or other washable fabric, and
- ☐ have stitched handles (thread or ultrasonic stitching, “T-shirt” design is acceptable), and
- ☐ are designed and manufactured for at least 125 reuses.



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REUSABLE BAG TYPES

**Polyethylene
Terephthalate (PET)
Non-Woven PET Bag**



Polypropylene (PP)

Non-Woven



T-shirt Bag



Woven



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ESTABLISHMENTS AND ALLOWABLE PROVISIONS

Business Types	Single-use plastic carryout bags are banned from being sold/provided to customers	Single-use paper carryout bags are banned from being sold/provided to customers	Polystyrene foam food service products are banned from being sold/provided to customers*	Single-use plastics straws (Provided by request only)**
	Effective 5/4/2022	Effective 5/4/2022	Effective 5/4/2022	Effective 11/4/2021
Restaurant	X		X	X
Café	X		X	X
Delicatessen	X		X	X
Grocery Store ≥ 2,500 sq. ft	X	X	X	
Grocery Store < 2,500 sq. ft.	X		X	
Coffee shop	X		X	X
Convenience store	X		X	X
Vending truck or cart	X		X	X
Food truck	X		X	X
Movie theater	X		X	X
Business or institutional cafeteria	X		X	X
Pharmacy	X		X	
Non-profit organization that handles food	X		X	X
Non-profit organization that does not handle food	X		X	
Liquor store	X		X	
Drug store	X		X	
Retail store	X		X	

* This ban also covers food that is sold or provided in a polystyrene foam food service product, unless that food is pre-packaged in such a container by a manufacturer.

** Single-use plastic straws continue to be allowed to be sold in packages at all stores.



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EXEMPTIONS TO THE BAN

Exemptions from plastic and paper carryout bag bans:

- Bags used to contain or wrap uncooked meat, fish or poultry
- Bags used to package loose items
- Bags used to contain live animals
- Bags used to contain food sliced or prepared to order, including soup and hot food
- Laundry, dry cleaning or garment bags
- Bags provided by a pharmacy to carry prescriptions
- Newspaper bags
- Any similar bag, as determined by the Department (DEP) pursuant to rule, regulation, or guidance

Exemptions from ban on polystyrene foam food service products (expires May 4, 2024)

- Disposable, long-handled polystyrene foam soda spoons when required and used for thick drinks
- Portion cups of 2 oz. 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



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SINGLE USE PLASTIC STRAWS

ONLY BY REQUEST

- Effective November 4, 2021, a food service business may only provide plastic straws to a customer upon the request of the customer
- Food service businesses are required to keep an adequate supply of single-use plastic straws to satisfy customer requests
- Packages of single-use plastic straws and those pre-packaged with items like juice boxes may still be sold in stores



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WHO ENFORCES THE LAW?

WHAT ARE THE PENALTIES?

- **The Department of Environmental Protection**, municipalities, and any entity certified by the “County Environmental Health Act”
- **A person or entity that violates the law will be:**
 - ☐ warned for a first offense,
 - ☐ may be fined up to \$1,000 per day for the second offense,
 - ☐ and up to \$5,000 per day for the third and subsequent violations.
 - ☐ violations of a continuing nature constitute an additional, separate, and distinct offense for each day that is deemed a violation.
- **The NJDEP** has the ability to determine additional exemptions and waivers
Contact by email: singleuseplastics@dep.nj.gov or call 609-984-4250.



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WHERE TO FIND INFORMATION AND REUSABLE BAG RESOURCES

NJBAC Website: business.nj.gov/recent/disposable-bag-ban

NJ Business Action Center and the NJ Department of Environmental Protection have developed online resources to assist businesses to comply with the law, such as,

- ☐ Frequently Asked Questions (FAQs)
- ☐ An Implementation Timeline
- ☐ A Chart of Establishments and Allowable Provisions
- ☐ A link to the Law
- ☐ Vendor Clearinghouse of manufacturers and distributors of reusable carryout bags and sustainable food service products is coming soon



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VENDOR CLEARINGHOUSE

Coming Soon: A courtesy resource of environmentally-sound products

- **Reusable Carryout Bag Manufacturers & Distributors**
 - ☐ Polypropylene Fabric, PET non-woven fabric, RPET fabric, Nylon, Polyester, Cloth, Hemp Product, Other washable fabrics
- **Paper Bag Manufacturers & Distributors**
- **Sustainable Food Service Product Manufacturers and Distributors**
 - ☐ Suggested alternatives to Polystyrene Foam



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PARTNER AGENCIES AND ORGANIZATIONS



NJBAC: business.nj.gov

New Jersey Business Action Center is responsible for communicating with all businesses about their responsibilities under the law

NJDEP: nj.gov/dep/plastic-ban-law

The New Jersey Department of Environmental Protection is responsible for the overall implementation of the law including the adoption of implementing regulations

NJCCC: njclean.org; bagupnj.com

The New Jersey Clean Communities Council is responsible for developing and implementing a Statewide public information and education program, including limited distribution of free reusable bags





FOR INFORMATION AND UPDATES

BUSINESS.NJ.GOV

Updates on the Plastic Bag & Polystyrene Foam Ban
FAQs
Vendor Clearinghouse

Weekly E-News Sign Up
Stay up to date on news affecting your business.

Talk to NJ BAC's Business Experts
Live Chat, Mon.-Fri., 8am-5pm
1-800-Jersey-7



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Any Questions?

Melanie.Willoughby@sos.nj.gov
Janet.Robertson@sos.nj.gov

Live Chat: <https://business.nj.gov>
1-800-Jersey-7
Monday-Friday, 8am-5pm



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