Date: October 7, 2026

To: Members of the New Jersey Senate Environment Committee

Re: Opposition to S-4656 - Packaging Restrictions

On behalf of the undersigned organizations, we would like to respectfully express our strong opposition to S-4656, which imposes numerous unworkable mandates and restrictions on producers of plastic packaging. This legislation is not feasible to implement and would ultimately raise costs for consumers.

Below are our respective organizations' key concerns.

Unrealistic Mandates and Cost Increases

This legislation includes new burdensome requirements for producers to achieve specific plastic packaging reduction amounts by certain dates, culminating in a 50% reduction within 10 years. The bill captures all types of plastic packaging, including secondary and transport packaging and food contact packaging.

Packaging producers and stakeholders are committed to sustainability, recycling, and working toward a more circular economy. These initiatives include designing packaging to be recycled, composted or reused; increasing the use of recycled content; and optimizing packaging in a balanced and attainable manner that protects the integrity of the product and considers safety implications for food, beverage and medical packaging. We support policies that can build on this work and are able to realistically be achieved.

Packaging for food and beverage products has unique challenges. The bill's definition of "food contact plastic packaging" is expansive and includes containers, bottles, cups, trays, wrappers, films, liners, closures, seals, coatings and other components. Different packaging types are utilized for specific reasons to safely contain the food or beverage. Altering packaging has the potential to compromise the structural integrity of the package or container, resulting in potential contamination or spoilage. For example, polymer coatings are used in metal packaging to ensure the safety of the product inside. These coatings are already extremely thin and cannot realistically be reduced.

When switching material or packaging type is possible, it is a complicated and lengthy process. Significant product design and testing are necessary to ensure food safety and freshness. Product testing must show the packaging will preserve the food or beverage product through the entire use cycle, including filling, packing, transporting and shelf life. Non plastic or lighter weight plastic alternatives must be researched and tested for food safety, shelf life, texture, and taste.

Source reduction rates should not be enshrined in statute. It is not realistic to assume producers can achieve specific packaging reduction amounts without a comprehensive analysis of the technology needed and the impact on producers, suppliers, retailers, and consumers. Source reduction targets need to be done in conjunction with the producers and other packaging stakeholders.

In 2022, legislation was enacted which establishes post-consumer recycled content (PCR) requirements for rigid plastic containers, plastic beverage containers, glass containers, carryout bags, and plastic trash bags sold in the State. Manufacturers and brand owners are struggling to achieve compliance with the new minimum recycled content standards, which began to take effect in January of 2024. Currently, there is an inadequate supply of post-consumer recycled material, especially material appropriate for food contact. Some food grade plastic resins have constrained or virtually no commercially available material. There are significant supply, infrastructure, and technological development gaps. There continues to be significant concerns about product integrity when incorporating PCR, including challenges of removing contaminants, container seal integrity, lot-to-lot variation of food-grade material, reduced clarity of the package, reduced mechanical strength, frozen food package performance and microwave heating performance.

In recognition of these challenges, NJDEP recently extended the exemption for food contact packaging for an additional 3 years. Arbitrary quotas which reduce the amount of PCR material that is available to consumers are contrary to the goal of the PCR law.

This legislation will significantly increase the costs of packaging and consumer goods as producers are unable to absorb the additional costs of the mandates in this legislation, including extensive packaging reduction and reformulation, undetermined registration fees, and reporting requirements. These costs will be passed onto consumers through higher prices on packaged products sold or distributed in New Jersey, essentially a new tax on consumers.

New Chemical/Substance Bans

This legislation prohibits the sale and distribution of any product whose packaging contains various substances deemed in the bill to be toxic, which are enumerated in the bill. The bill seeks to ban a wide swath of substances, chemicals, and additives in the absence of clear health or environmental evidence to necessitate such a ban. Under this bill, a complete ban is triggered if a packaging type merely contains a listed chemical either naturally occurring, or at an incidental level from the manufacturing process. This is an extremely expansive scope that places many commonly used packaging products out of compliance.

Some of these substances are currently under review or regulation by the FDA, EPA, or other federal agencies, which continuously review substances used in consumer products. Federal agencies are the appropriate regulatory authorities to make determinations about safety in products produced for national and global markets. A patchwork of state-level laws reduces consistency, disrupts interstate commerce, and ultimately increases the costs of products.

Additionally, many of the enumerated chemicals in the bill are currently, or have in recent years, been addressed in separate New Jersey legislation. This provides a greater opportunity for a more thorough stakeholder process and expert analysis.

Banning specific chemicals may have unanticipated consequences as manufacturers may be unable to find appropriate alternative substances that work as effectively. Specific chemicals may have unique properties that make them stable or extend the shelf life of products. This is especially important in food and beverage packaging. Decisions about banning chemicals or substances should not be made by state legislatures, rather in a coordinated manner by the appropriate federal regulatory agencies.

Additionally, the bill directs NJDEP to designate at least 10 additional toxic substances, beginning 5 years after the bill's effective date and every 3 years thereafter. These substances would then also be prohibited. It is extremely concerning to give a state level department the authority to make decisions that would impact and disrupt national and global commerce.

Advanced Recycling Ban

This legislation defines chemical conversion technologies as disposal, not recycling, limiting their use and discounting the important role these technologies could play in increasing recycling.

Advanced or chemical recycling is a process that breaks plastic down to its molecular building blocks and then turns it into a feedstock for plastic-to-plastic recycling. This innovative process will allow advanced recycling facilities to recycle plastics that are currently ending up in landfills, waterways, and incinerators, since there is currently no marketplace for these hard to recycle plastics. Advanced recycling technologies can expand the scope of materials we can recycle, help preserve the value of resources in our economy and bridge the gap between the supply and demand for high-quality recycled plastics. This is particularly important to food manufacturers who do not have an adequate supply of food-grade plastics.

Another benefit that advanced recycling provides is that its end product is a feedstock that will replace the byproducts of natural gas, which industry is currently using to make virgin plastic - thus offsetting industry's reliance on fossil fuels. These facilities do not produce major air emissions – their air emissions are comparable to a hospital or university. Currently half the states in the U.S. have passed legislation which enables them to attract advanced recycling facilities in their states.

It is extremely concerning that this bill precludes numerous technologies commonly used in other states, such as gasification, pyrolysis, and solvolysis; and emerging technologies, including dissolution.

Punitive Enforcement Mechanisms

This bill sets up a punitive enforcement system instead of focusing on education and compliance, establishing an Office of Inspector General to oversee enforcement of the law. Both NJDEP and this Office can impose significant civil and administrative penalties on producers. Given the

breadth of the packaging products captured in this bill, and the extremely challenging mandates and restrictions, it seems likely that the majority of producers could be subject to these penalties.

Thank you for the opportunity to relay our significant concerns with this legislation. For additional information, please contact Mary Ellen Peppard, Vice President of the New Jersey Food Council, at 609-203-0168 or mpeppard@njfoodcouncil.com.

Respectfully,

Ag Container Recycling Council
American Cleaning Institute
AMERIPEN (American Institute for Packaging and The Environment)
Association of Home Appliance Manufacturers
Beer Wholesalers' Association of New Jersey
Brewers Guild of New Jersey
Chamber of Commerce Southern New Jersey
Chemistry Council of New Jersey
Commerce & Industry Association of New Jersey
Consumer Brands Association
Consumer Technology Association
Distilled Spirits Council of the United States
Flexible Packaging Association
Foodservice Packaging Institute
Garden State Seafood Association
International Dairy Foods Association
International Bottled Water Association
National Association of Printing Ink Manufacturers
National Confectioners Association
New Jersey Business and Industry Association
New Jersey Energy Marketers Group
New Jersey Food Council
New Jersey Restaurant and Hospitality Association
New Jersey Retail Merchants Association
New Jersey State Chamber of Commerce
NFIB – National Federation of Independent Business
Plastics Industry Association
PRINTING United Alliance