June 16, 2020

The Hon. Robert Smith, Chair
New Jersey Senate Environment and Energy Committee
New Jersey State House
Trenton, NJ 08625-0068

RE: Amendment to S2515

Dear Chairman Smith:

The US Composting Council wishes to offer an amendment to S2515 (establishing recycled content for various plastics). request that this letter be entered into the record and acknowledged at the hearing.

The US Composting Council was established in 1990 and has a membership of more than 700 companies representing 2,000 individuals; 16 members and an active Chapter in the State of New Jersey. Our mission is to advances compost manufacturing, compost utilization, and organics recycling to benefit our members, society, and the environment.

When it comes to compostable products such as those mentioned in S2515, our primary goals are to ensure that they are certified compostable; part of the food-scrap stream since our focus is on recovering food scrap in commercial compost facilities; and that they are clearly marked and labelled for easy identification so that compost manufacturers can easily avoid contaminants in the industry’s end-product, soil-building compost.

Unfortunately, while the resins in these items are recyclable, they are not easily recycled because their volumes for recoverability are low due to small market share. In this situation, they will be easily confused with similar items that are recyclable though not compostable, leading to a further increase in the contamination that composting facilities fight every day in order to manufacture a quality product, putting the compost industry at risk.
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S2515

We suggest the following amendment to address this problem:

- Section 8:
  A manufacturer may apply to the department for a waiver from, or reduction in, the recycled content requirements of sections 2 through 7 of this act. The department may approve, in writing, a waiver or other relief pursuant to this section if the manufacturer demonstrates, and the department finds, that it is not technologically feasible for the manufacturer to achieve the recycled content requirements, or the manufacturer cannot achieve the recycled content requirements due to a lack of available recycled material or other market conditions. The department shall develop a standardized form for manufacturers to apply for a waiver pursuant to this section. Compostable products that meet ASTM D6400, BPI or third-party compostable certification shall be exempt from this act.

We urge the committee to revise the wording of this bill due to the unintended consequences it would have on the compost industry, an industry promoting sustainability, landfill diversion and a product that will sequester carbon, amend soils and increase soil health and food production. Please don’t hesitate to contact me if I can answer any questions.

Sincerely,

Frank Franciosi, Executive Director
US Composting Council