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**To:** Senate Environment and Energy Committee

**From:** Eric Blomgren, Director of Government Affairs, New Jersey Gasoline, Convenience Store, Automotive Association

**Re:** Seeking Amendment to **S-426**, “Requires producers of packaging products sold in New Jersey to adopt and implement packaging product stewardship plans.”

Thank you, Chairman Smith and members of the Committee, for the opportunity to briefly submit this statement concerning the draft of S-426, as introduced. The New Jersey Gasoline, Convenience Store, Automotive Association represents nearly one thousand independent small businesses across the state.

Our chief concern is that the current definition of the key word “producer” would include even single store operators under the burdens of the legislations. A “producer” currently includes “any person who sells, offers for sale, or distributes a packaging product in the State; and any person who imports a packaging product for use by a commercial enterprise that sells, offers for sale, or distributes packaging products in this State”. Our concern is that by virtue of selling products like fresh coffee or fountain soda that are ‘packaged’ on-site in paper or plastic cups, or by making fresh sandwiches and placing them in containers for sale would qualify these small retailers as producers under the current language. I also fear that by virtue of selling food containers for customers’ personal use, like packages of plastic cups, they could also be classified as producers for the purposes of the requirements of this bill.

If they were so classified, they would be subject to a wide variety of requirements under this bill that they would be unable to comply with. These businesses generally have under ten or even under five employees, most or all of whom are working as cashiers. They do not have the capacity to research all the ways their customers may interact with or dispose of the products they purchase from the business. They also do not have the excess funds to invest in researching or even combining with others to attempt to comply with the requirements of this bill. Including them would also swamp the Department of Environmental Protection if they would then be required to review the plans for the roughly 2,400 convenience stores in the state, plus all other businesses like restaurants that would also be classified as producers, in addition to all the manufacturers of these products from all over the country.

As was done in the new recycled content law, P.L.2021, c.391, this bill should expressly exclude individual retail stores from the obligations being placed on the actual creators of these products.

The definition of producer should not include retail businesses such as grocery stores, convenience stores, restaurants, or similar establishments which sell products directly to consumers.

I am happy to discuss this in further detail anytime.

Thank you for your consideration.

