NJ's Ban on Plastic Carryout Bags & Polystyrene Foam in Stores, Grocery Stores & Food Service Businesses

EFFECTIVE MAY 4, 2022

WHAT DO YOU NEED TO KNOW?

Starting May 4, 2022, New Jersey retail stores, grocery stores and food service businesses may not provide or sell single-use plastic carryout bags and polystyrene foam food service products. Single-use paper carryout bags are allowed to be provided or sold, except by grocery stores equal to or larger than 2500 square feet, which may only provide or sell reusable carryout bags. After November 4, 2021, plastic straws may be provided only upon the request of the customer.

WHAT IS A REUSABLE CARRYOUT BAG?

Under the law (P.L.2020 c.117), a reusable carryout bag is defined as one that:

1. is made of polypropylene fabric, PET non-woven fabric, nylon, cloth, hemp product, or other washable fabric, and
2. has stitched handles (either thread or ultrasonic), and
3. is designed and manufactured for at least 125 reuses.

WHERE CAN A BUSINESS PURCHASE PRODUCTS ALLOWED UNDER THE LAW?

Businesses may contact any distributor or manufacturer to obtain products that meet the requirements of the law. As a courtesy, the NJ Business Action Center's website will soon feature an online clearinghouse of wholesale vendors who provide environmentally-sound alternative products. Please check business.nj.gov for updates.

WHAT POLYSTYRENE FOAM FOOD SERVICE PRODUCTS ARE BANNED?

As of May 4, 2022, all polystyrene foam food service products are banned for use and sale. See side two for a list of exemptions. For more information, please see nj.gov/dep/plastic-ban-law/#foam_products.

WHAT RETAIL AND FOOD SERVICE ESTABLISHMENTS ARE AFFECTED BY THIS BAN?

For a list of businesses impacted and items banned please go to this link: nj.gov/dep/plastic-ban-law/docs/list-of-establishments-banned-items.pdf

**Updated July 2021*

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EXEMPTIONS TO THE BAN

See lists of exemptions below. The Department of Environmental Protection (DEP) has the ability to determine additional exemptions pursuant to rule, regulation, or guidance. For more information, please see the DEP's website at nj.gov/dep/plastic-ban-law.

WAIVERS FOR POLYSTYRENE FOAM FOOD SERVICE PRODUCTS

The DEP may, upon written application by a person or food service business, waive the provisions of the polystyrene foam food service product ban for the person or food service business for a period not to exceed one year, if:

(1) there is no feasible and commercially available alternative for a specific polystyrene foam food service product; or

(2) the person or food service business has less than $500,000 in gross annual income and there is no reasonably affordable, commercially-available alternative to the polystyrene foam food service product.

For further information on obtaining a waiver, please see the DEP's website at NJ.gov/dep/plastic-ban-law/. The DEP may be contacted via email: singleuseplastics@dep.nj.gov or phone: +1(609)-984-4250.

EXEMPTIONS FROM PLASTIC AND PAPER CARRYOUT BAG AND PLASTIC STRAW 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.
- Packages of single-use plastic straws and those pre-packaged with items like juice boxes may still be sold in stores.

WHO ENFORCES THE LAW?

The Department of Environmental Protection, municipalities, and any entity certified by the "County Environmental Health Act". 1-877-WARN-DEP.

EXEMPTIONS FROM THE BAN ON POLYSTYRENE FOAM FOOD SERVICE PRODUCTS (ALL EXPIRE 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.
- Any other polystyrene foam food service product as determined necessary by the DEP.

WHAT ARE THE PENALTIES FOR VIOLATING THE LAW?

Beginning May 4, 2022, any person or entity that violates the law shall be subject to:

- a warning for a first offense.
- up to $1,000 per day for the second offense.
- 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.

**Updated July 2021*