



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF SOLID & HAZARDOUS WASTE
BUREAU OF SOLID WASTE PLANNING & LICENSING

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PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

SHAWN M. LATOURETTE

Commissioner

August 1, 2021

Regarding: ban on use of polystyrene foam products

To: Potential polystyrene foam food service product waiver applicants:

As you may know, beginning May 4, 2022, pursuant to P.L. 2020, c. 117 (C.13:1E-99.129 et seq.– the Law), no person or food service business in New Jersey shall sell or offer for sale any polystyrene foam food service product, and no food service business shall provide or sell any food in a polystyrene foam food service product.

The following products are automatically exempt from the polystyrene ban for two years after May 4, 2022:

1. Disposable, long-handled polystyrene foam soda spoons when required and used for thick drinks
2. Portion cups of two ounces or less, if used for hot foods or foods requiring lids
3. Meat and fish trays for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance
4. Any food product pre-packaged by the manufacturer with a polystyrene foam food service product
5. Any other polystyrene foam food service product as determined necessary by the Department of Environmental Protection (Department or NJDEP)

The Law provides an opportunity for a specific waiver from the above ban by application to and approval from the Department. The form with which to request a waiver to sell/use a specific polystyrene product not exempted above is attached to this letter and the applicant should provide as much detail and background information as possible to assist the Department in determining if a waiver is appropriate. A separate application must be submitted for each product for which a waiver is requested.

Any approved waivers will be for a period not to exceed one year unless otherwise extended in writing by the Department upon receipt of a written application for extension received no less than 30 days prior to the expiration of the waiver.

More information on the Law banning single-use plastic carryout bags, polystyrene foam food service products and plastic straws by request only (including a full copy of the Law) is available at:

<https://www.state.nj.us/dep/plastic-ban-law/>

Should you have any questions regarding this information, or the Law, please email singleuseplastics@dep.nj.gov

NJDEP Polystyrene Foam Food Service Product Ban Waiver Application

Please complete all fields electronically.

Once complete, print, sign and scan the form. E-mail completed/signed form and all attachments to singleuseplastics@dep.nj.gov.

Please type in the subject line of the e-mail: "Polystyrene Waiver Request".

Contact Name _____

Business Name _____

Street Address/P.O. Box _____

City _____ State _____ Zip Code _____

Phone _____

Email Address _____

Product for which a waiver request is being submitted: _____

The Law provides for two circumstances by which a person or food service business may apply for and receive a waiver from the above prohibitions (select one):

- 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 generates less than \$500,000 in gross annual income and there is no reasonably affordable, commercially-available alternative to the polystyrene foam food service product.

Based on the product indicated and circumstance selected above, please attach information, data, 'backup', justification, proof, demonstration, rationale, etc. in support of the waiver.

Note: If option #2 is selected above, documentation must include information regarding the difference in cost between the product for which the waiver is requested and alternative products.

Please note: Additional information may be required as necessary upon review.

If submitted on behalf of a business, this waiver form must be signed by an officer of the entity applying.

Signature _____ Title _____ Date _____

