

13: 1E - 99. 24

LEGISLATIVE HISTORY CHECKLIST
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(Recycling--State purchase)

NJSA: 13:1E-99.24

LAWS OF: 1993 **CHAPTER:** 109

BILL NO: A676

SPONSOR(S) Collins

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Solid Waste
SENATE: Environment

AMENDED DURING PASSAGE: Yes Amendments during passage
Assembly Committee Substitute denoted by superscript numbers
(First reprint enacted)

DATE OF PASSAGE: **ASSEMBLY:** June 4, 1992
SENATE: January 25, 1993

DATE OF APPROVAL: April 22, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:
"The 'paper' chase." 4-24-93 Star Ledger.
"Law: State must boost use of recycled paper," 4-23-94 Home News.

KBG:pp

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 676

STATE OF NEW JERSEY

ADOPTED MARCH 30, 1992

Sponsored by Assemblymen COLLINS and STUHLTRAGER

1 AN ACT concerning the purchase of recycled paper and products
2 made from recycled materials by the State, and amending and
3 supplementing P.L.1987, c.102.

4

5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. Section 2 of P.L.1987, c.102 (C.13:1E-99.12) is amended to
8 read as follows:

9 2. As used in sections 1 through 24 and sections 40 and 41 of
10 P.L.1987, c.102 [(C.13:1E-99.11 et seq.)] (C.13:1E-99.11 through
11 13:1E-99.32 and 13:1E-99.33 and 13:1E-99.34):

12 "Agricultural or horticultural land" means land deemed
13 actively devoted to agricultural or horticultural use pursuant to
14 the "Farmland Assessment Act of 1964," P.L.1964, c.48
15 (C.54:4-23.1 et seq.);

16 "Beverage" means milk, alcoholic beverages, including beer or
17 other malt beverages, liquor, wine, vermouth and sparkling wine,
18 and nonalcoholic beverages, including fruit juice, mineral water
19 and soda water and similar nonalcoholic carbonated and
20 noncarbonated drinks intended for human consumption;

21 "Beverage container" means an individual, separate,
22 hermetically sealed, or made airtight with a metal or plastic cap,
23 bottle or can composed of glass, metal, plastic or any
24 combination thereof, containing a beverage;

25 "Commingled" means a combining of [exclusively]
26 nonputrescible source separated recyclable materials [solely with
27 other nonputrescible recyclable materials] for the purpose of
28 recycling;

29 "County" means any county of this State of whatever class;

30 "Department" means the Department of Environmental
31 Protection;

32 "Designated recyclable materials" means those recyclable
33 materials, including metal, glass, paper, or plastic [containers],
34 food waste, corrugated and other cardboard, newspaper,
35 magazines, or high-grade office paper designated in a district
36 recycling plan to be source separated in a municipality pursuant
37 to section 3 of P.L.1987, c.102 (C.13:1E-99.13);

38 "Disposition" or "disposition of designated recyclable
39 materials" means the transportation, placement, reuse, sale,
40 donation, transfer or temporary storage for a period not
41 exceeding six months of designated recyclable materials for all
42 possible uses except for disposal as solid waste:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted October 22, 1992.

1 "District" means a solid waste management district as
2 designated by section 10 of P.L.1975, c.326 (C.13:1E-19), except
3 that, as used in the provisions of P.L.1987, c.102 (C.13:1E-99.11
4 et seq.), "district" shall not include the Hackensack Meadowlands
5 District;

6 "District recycling plan" means the plan prepared and adopted
7 by the governing body of a county and approved by the
8 department to implement the State Recycling Plan goals pursuant
9 to section 3 of P.L.1987, c.102 (C.13:1E-99.13);

10 "Leaf composting facility" means a solid waste facility which
11 is designed and operated solely for the purpose of composting
12 leaves and shall also include leaf mulching operations on land
13 deemed actively devoted to agricultural or horticultural use as
14 defined in section 5 of P.L.1964, c.48 (C.54:4-23.5);

15 "Market" or "markets" means the disposition of designated
16 recyclable materials [source separated in a municipality which
17 entails a disposition cost less than the cost of transporting the
18 recyclable materials to solid waste facilities and disposing of
19 them as municipal solid waste at the facility utilized by the
20 municipality];

21 "Municipality" means any city, borough, town, township or
22 village situated within the boundaries of this State;

23 "Municipal solid waste stream" means all residential,
24 commercial and institutional solid waste generated within the
25 boundaries of any municipality;

26 "Paper" means [and includes] all paper grades, including but
27 not limited to, newspaper, corrugated and other cardboard,
28 high-grade office paper, fine paper, bond paper, offset paper,
29 xerographic paper, mimeo paper, duplicator paper, and related
30 types of cellulosic material containing not more than 10% by
31 weight or volume of non-cellulosic material such as laminates,
32 binders, coatings, or saturants;

33 "Paper product" means any paper items or commodities,
34 including but not limited to, paper napkins, towels, [corrugated
35 and other cardboard,] construction material, toilet tissue, paper
36 and related types of cellulosic products containing not more than
37 10% by weight or volume of non-cellulosic material such as
38 laminates, binders, coatings, or saturants;

39 "Plastic container" means any hermetically sealed, or made
40 airtight with a metal or plastic cap, container with a minimum
41 wall thickness of not less than 0.010 inches, and composed of
42 thermoplastic synthetic polymeric material;

43 "Post-consumer waste material" means any finished product
44 generated by a business or consumer which has served its
45 intended end use, and which has been separated from solid waste
46 for the purposes of collection, recycling and disposition and which
47 does not include secondary waste material [or demolition waste];

48 "Recognized academic institution" means any of the following
49 educational or research institutions located in this State: a duly
50 authorized institution of higher education licensed by the Board
51 of Higher Education; a public school operated by a local school
52 district; a private vocational school; or a nonpublic school
53 satisfying the State's compulsory attendance requirements;

54 "Recyclable material" means those materials which would

1 otherwise become [municipal] solid waste, and which may be
2 collected, separated or processed and returned to the economic
3 mainstream in the form of raw materials or products;

4 "Recycled paper" means any paper having a total weight
5 consisting of not less than 50% secondary waste paper material
6 and with not less than 10% of its total weight consisting of
7 post-consumer waste material;

8 "Recycled paper product" means any paper product consisting
9 of not less than 50% secondary waste paper material and with not
10 less than 10% of its total weight consisting of post-consumer
11 waste material;

12 "Recycled product" or "product made from recycled material"
13 means any nonpaper item or commodity which is manufactured or
14 produced in whole or in part from post-consumer waste material;

15 "Recycling" means any process by which materials which would
16 otherwise become solid waste are collected, separated or
17 processed and returned to the economic mainstream in the form
18 of raw materials or products;

19 "Recycling center" means any facility designed and operated
20 solely for receiving, storing, processing [and] or transferring
21 source separated[, nonputrescible or source separated
22 commingled nonputrescible metal, glass, paper, plastic
23 containers, and corrugated and other cardboard, or other]
24 recyclable materials [approved by the department]; except that
25 "recycling center" shall not include a scrap processing facility;

26 "Recycling services" means the services provided by persons
27 engaging in the business of recycling, including the collection,
28 transportation, processing, storage, purchase, sale or disposition,
29 or any combination thereof, of recyclable materials;

30 "Scrap processing facility" means a commercial industrial
31 facility designed and operated for receiving, storing, processing
32 and transferring source separated, nonputrescible ferrous and
33 nonferrous metal, which materials are purchased by the owner or
34 operator thereof, and which are altered or reduced in volume or
35 physical characteristics onsite by mechanical methods, including
36 but not limited to baling, cutting, torching, crushing, or
37 shredding, for the purposes of resale for remelting, refining,
38 smelting or remanufacturing into raw materials or products;

39 "Secondary waste material" means waste material generated
40 after the completion of a manufacturing process;

41 "Secondary waste paper material" means paper waste
42 generated after the completion of a paper making process, such
43 as [post-consumer waste material.] envelope cuttings, bindery
44 trimmings, printing waste, cutting and other converting waste,
45 butt rolls and mill wrappers; except that secondary waste paper
46 material shall not include fibrous waste generated during the
47 manufacturing process. such as fibers recovered from waste
48 water or trimmings of paper machine rolls, fibrous byproducts of
49 harvesting, extractive or woodcutting processes, or forest residue
50 such as bark, or mill broke;

51 "Source separated recyclable materials" means recyclable
52 materials[, including but not limited to, paper, metal, glass,
53 noncommingled food waste, office paper and plastic] which are
54 [kept separate and apart from residential, commercial and

1 institutional solid waste] separated at the point of generation by
2 the generator thereof from solid waste for the purposes of
3 [collection, disposition and] recycling;

4 "Vegetative waste composting facility" means a solid waste
5 facility which is designed and operated for the purpose of
6 composting leaves, either exclusively or in combination with
7 other vegetative wastes authorized by the department.

8 (cf: P.L.1989, c.151, s.1)

9 2. Section 16 of P.L.1987, c.102 (C.13:1E-99.24) is amended to
10 read as follows:

11 16. a. The provisions of P.L.1971, c.257 (C.52:34-21 et seq.)
12 or any rules and regulations adopted pursuant thereto to the
13 contrary notwithstanding, the Director of the Division of
14 Purchase and Property in the Department of the Treasury shall,
15 upon consultation with the department, review and modify all bid
16 and product specifications relating to the purchase of recycled
17 paper or recycled paper products so that the specifications do not
18 discriminate against, but encourage the maximum purchase of
19 products made from recycled paper or recycled paper products.
20 Preference shall be given to recycled paper or recycled paper
21 products with the highest percentage of post-consumer waste
22 material.

23 b. The provisions of P.L.1971, c.257 (C.52:34-21 et seq.) or any
24 rules and regulations adopted pursuant thereto to the contrary
25 notwithstanding, the Director of the Division of Purchase and
26 Property shall, upon consultation with the department, review
27 and modify all bid and product specifications relating to the
28 purchase of nonpaper finished products or supplies, so that the
29 specifications do not discriminate against, but encourage the
30 maximum purchase of products made from recycled material.
31 Preference shall be given to recycled products with the highest
32 percentage of post-consumer waste material.

33 (cf: P.L.1987, c.102, s.16)

34 3. Section 17 of P.L.1987, c.102 (C.13:1E-99.25) is amended to
35 read as follows:

36 17. a. In purchasing any paper or paper products for use by the
37 various agencies and departments of the State government or for
38 any county, municipality or school district pursuant to P.L.1969,
39 c.104 (C.52:25-16.1 et al.), the Director of the Division of
40 Purchase and Property, whenever the price is competitive and the
41 quality satisfactory for the purpose intended, shall make
42 contracts available for those items which are manufactured or
43 produced from recycled paper or recycled paper products. For the
44 purposes of this section, "competitive" means a price [within]
45 ¹[less than or equal to 10% of] no more than 10% above¹ the
46 price of items which are manufactured or produced from virgin
47 paper products; except that the director, upon consultation with
48 the department, may make contracts available for recycled paper
49 or recycled paper products at a price ¹[less than or equal to 15%
50 of] no more than 15% above¹ the price of virgin paper products
51 whenever the director determines that a 15% price preference is
52 in the best interest of the State.

53 b. The Director of the Division of Purchase and Property,
54 after formal advertisement and solicitation of proposals for

1 recycled paper or recycled paper products, and having received
2 no competitive proposals for recycled paper or recycled paper
3 products, may award the contract for paper or paper products
4 manufactured or produced from virgin paper products in the
5 manner prescribed by law. Any award or contract made for virgin
6 paper products shall not relieve the director of any future
7 obligation to make available contracts for recycled paper or
8 recycled paper products as provided in subsection a. of this
9 section.

10 (cf: P.L.1987, c.102, s.17)

11 4. Section 19 of P.L.1987, c.102 (C.13:1E-99.27) is amended to
12 read as follows:

13 19. a. [The total dollar amount of recycled paper or recycled
14 paper products purchased by the State shall be as follows:

15 Not less than 10% of the paper or paper products purchased on
16 or after July 1, 1987 shall be made from recycled paper or
17 recycled paper products, not less than 30% by July 1, 1988, and
18 not less than 45% by July 1, 1989] (1) On or after ¹[April]
19 ¹December 1, 1992, not less than 55% of the total dollar amount
20 of paper or paper products purchased by the State shall be made
21 from recycled paper or recycled paper products having a total
22 weight consisting of not less than 50% secondary waste paper
23 material and with not less than 10% of its total weight consisting
24 of post-consumer waste material.

25 (2) On or after ¹[January] July¹ 1, 1993, not less than 60% of
26 the total dollar amount of paper or paper products purchased by
27 the State shall be made from recycled paper or recycled paper
28 products having a total weight consisting of not less than 50%
29 secondary waste paper material and with not less than 15% of its
30 total weight consisting of post-consumer waste material.

31 (3) On or after January 1, 1995, not less than 65% of the total
32 dollar amount of paper or paper products purchased by the State
33 shall be made from recycled paper or recycled paper products
34 having a total weight consisting of not less than 50% secondary
35 waste paper material and with not less than 25% of its total
36 weight consisting of post-consumer waste material; except that
37 high-grade office paper, fine paper, bond paper, offset paper,
38 xerographic paper, mimeo paper and duplicator paper shall be
39 made from recycled paper having a total weight consisting of not
40 less than 50% secondary waste paper material and with not less
41 than 15% of its total weight consisting of post-consumer waste
42 material.

43 Priority procurement consideration shall be given to recycled
44 paper or recycled paper products with the highest percentage of
45 post-consumer waste material.

46 b. The Director of the Division of Purchase and Property,
47 after formal advertisement and solicitation of proposals for
48 recycled paper or recycled paper products, and having received
49 no competitive proposals for recycled paper or recycled paper
50 products, may award the contract for paper or paper products
51 manufactured or produced from virgin paper products in the
52 manner prescribed by law. Any award or contract made for virgin
53 paper products shall not relieve the director of any future
54 obligation to purchase recycled paper or recycled paper products

1 as provided in subsection a. of this section. For the purposes of
2 this section, "competitive" means a price ¹[less than or equal to
3 10% of] no more than 10% above¹ the price of items which are
4 manufactured or produced from virgin paper products; except
5 that the director, upon consultation with the department, may
6 make contracts available for recycled paper or recycled paper
7 products at a price ¹[less than or equal to 15% of] no more than
8 15% above¹ the price of virgin paper products whenever the
9 director determines that a 15% price preference is in the best
10 interest of the State.

11 (cf: P.L.1987, c.102, s.19)

12 5. (New section) In purchasing any nonpaper finished products
13 or supplies for use by the various agencies and departments of the
14 State government or for any county, municipality or school
15 district pursuant to P.L.1969, c.104 (C.52:25-16.1 et al.), the
16 Director of the Division of Purchase and Property, upon
17 consultation with the department, may make contracts available
18 for those products or supplies made from recycled material
19 whenever the director determines that such items meet
20 performance standards set forth in applicable product
21 specifications and are available at a reasonable price. For the
22 purposes of this section, "reasonable" means a price ¹[less than
23 or equal to 15% of] no more than 15% above¹ the price of items
24 which are manufactured or produced from raw materials¹;
25 except that the director, upon consultation with the department,
26 may make contracts available for products made from recycled
27 material at a price exceeding 15% of the price of items which are
28 manufactured or produced from raw materials whenever the
29 director determines that a higher price preference is in the best
30 interest of the State]¹ .

31 Preference shall be given to recycled products with the highest
32 percentage of post-consumer waste material.

33 6. This act shall take effect immediately.

34
35
36

37
38 Revises State purchase of recycled paper mandates and
39 encourages purchase of nonpaper products and supplies made
40 from recycled material.

ASSEMBLY, No. 676

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblyman COLLINS

1 AN ACT concerning the purchase by the State of products made
2 from recycled materials, and amending P.L.1987, c.102.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. Section 16 of P.L.1987, c.102 (C.13:1E-99.24) is amended to
7 read as follows:

8 16. The provisions of P.L.1971, c.257 (C.52:34-21 et seq.) or
9 any rules and regulations adopted pursuant thereto to the
10 contrary notwithstanding, the Director of the Division of
11 Purchase and Property in the Department of the Treasury shall,
12 upon consultation with the department, review and modify all bid
13 and product specifications relating to the purchase of recycled
14 paper [or], recycled paper products and other finished products,
15 the composition of which is at least 50% post-consumer waste
16 materials, so that the specifications do not discriminate against,
17 but encourage the maximum purchase of products made from
18 recycled paper [or], recycled paper products or products made
19 from recycled materials. Preference shall be given to recycled
20 paper [or], recycled paper products or products made from
21 recycled materials with the highest percentage of post-consumer
22 waste material.

23 (cf: P.L.1987, c.102, s.16)

24 2. Section 17 of P.L.1987, c.102 (C.13:1E-99.25) is amended to
25 read as follows:

26 17. a. In purchasing any paper [or], paper products or other
27 finished products or supplies for use by the various agencies and
28 departments of the State government or for any county,
29 municipality or school district pursuant to P.L.1969, c.104
30 (C.52:25-16.1 et al.), the Director of the Division of Purchase and
31 Property, whenever the price is competitive for the purpose
32 intended, shall make contracts available for those items which
33 are manufactured or produced from recycled paper [or], recycled
34 paper products or other recycled materials, the composition of
35 which is at least 50% post-consumer waste materials. For the
36 purposes of this section, "competitive" means a price within
37 [10%] 15% of the price of items which are manufactured or
38 produced from virgin paper products or raw materials.

39 b. The Director of the Division of Purchase and Property,
40 after formal advertisement and solicitation of proposals for
41 recycled paper [or], recycled paper products or other finished
42 products or supplies, the composition of which is at least 50%

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 post-consumer waste materials, and having received no
2 competitive proposals for recycled paper [or], recycled paper
3 products or other finished products or supplies made from
4 recycled materials, may award the contract for paper [or], paper
5 products, or other finished products or supplies manufactured or
6 produced from virgin paper products or raw materials, as the case
7 may be, in the manner prescribed by law. Any award or contract
8 made for virgin paper products or raw materials shall not relieve
9 the director of any future obligation to make available contracts
10 for recycled paper [or], recycled paper products or other finished
11 products or supplies made from recycled materials as provided in
12 subsection a. of this section.

13 (cf: P.L.1987, c.102, s.17)

14 3. Section 18 of P.L.1987, c.102 (C.13:1E-99.26) is amended to
15 read as follows:

16 18. The Director of the Division of Local Government Services
17 in the Department of Community Affairs shall, pursuant to the
18 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1
19 et seq.), permit counties, municipalities and authorities, and the
20 State Board of Education shall, pursuant to the "Public School
21 Contracts Law," N.J.S.18A:18A-1 et seq., permit any board of
22 education, to cooperatively purchase recycled paper [or],
23 products made from recycled paper products, or other finished
24 products or supplies made from recycled materials procured by
25 the Division of Purchase and Property.

26 (cf: P.L.1987, c.102, s.18)

27 4. Section 19 of P.L.1987, c.102 (C.13:1E-99.27) is amended to
28 read as follows:

29 19. a. [The total dollar amount of recycled paper or recycled
30 paper products purchased by the State shall be as follows:

31 Not less than 10% of the paper or paper products purchased on
32 or after July 1, 1987 shall be made from recycled paper or
33 recycled paper products, not less than 30% by July 1, 1988, and
34 not less than 45% by July 1, 1989.] Not less than 75 percent of
35 the total dollar amount of paper or paper products purchased by
36 the State on or after July 1, 1991 shall be made from recycled
37 paper or recycled paper products, and not less than 90 percent by
38 July 1, 1992.

39 Not less than 10% of the nonpaper finished products or supplies
40 purchased on or after July 1, 1991 shall be made from recycled
41 materials, not less than 30% by July 1, 1992, and not less than
42 45% by July 1, 1993.

43 Priority procurement consideration shall be given to recycled
44 paper [or], recycled paper products, or other finished products or
45 supplies made from recycled materials with the highest
46 percentage of post-consumer waste material.

47 b. The Director of the Division of Purchase and Property,
48 after formal advertisement and solicitation of proposals for
49 recycled paper [or], recycled paper products or other finished
50 products or supplies made from recycled materials, and having
51 received no competitive proposals for recycled paper [or],
52 recycled paper products or other finished products or supplies
53 made from recycled materials, may award the contract for paper
54 [or], paper products, or other finished products or supplies

1 manufactured or produced from virgin paper products or raw
2 materials, as the case may be, in the manner prescribed by law.
3 Any award or contract made for virgin paper products or raw
4 materials shall not relieve the director of any future obligation to
5 purchase recycled paper [or], recycled paper products or other
6 finished products or supplies made from recycled materials as
7 provided in subsection a. of this section.

8 (cf: P.L.1987, c.102, s.19)

9 5. This act shall take effect immediately.

12 STATEMENT

13
14 The "New Jersey Statewide Mandatory Source Separation and
15 Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.) requires
16 the Director of the Division of Purchase and Property to review
17 and modify existing public bidding and product specification
18 requirements in order to encourage the maximum State purchase
19 of recycled paper or recycled paper products. The act also
20 requires that not less than 45% of the paper or paper products
21 purchased by the State for use by State agencies or any county,
22 municipality, or school district after July 1, 1989 be
23 manufactured from recycled paper or recycled paper products.
24 Priority procurement consideration must be given to recycled
25 paper or recycled paper products containing the highest
26 percentage of post-consumer waste material. Counties,
27 municipalities, authorities, and boards of education may
28 cooperatively purchase recycled paper or paper products made
29 from recycled paper products procured by the division.

30 This bill would extend these provisions to the procurement and
31 purchase of other nonpaper products and supplies made from
32 recycled materials. The bill would also require that priority
33 procurement consideration be given to nonpaper finished products
34 or supplies made from recycled materials with the highest
35 percentage of post-consumer waste material.

36 This bill would require the director to revise existing public
37 bidding and product specification requirements in order to
38 facilitate the purchase of products and supplies made from
39 recycled materials, and mandates that not less than 10% of the
40 nonpaper products and supplies purchased by the State after July
41 1, 1991 be manufactured from recycled materials, not less than
42 30% by July 1, 1992, and not less than 45% by July 1, 1993. This
43 bill would also require that not less than 75% of the total dollar
44 amount of the paper or paper products purchased by the State be
45 made from recycled paper or recycled paper products by July 1,
46 1991, and not less than 90% by July 1, 1992. A rate of 59% was
47 achieved by the end of 1989.

48 Finally, current law provides that the division must make
49 contracts available for the purchase of any paper or paper
50 products whenever the price is competitive. A price within 10%
51 of the price of items that are manufactured or produced from
52 virgin paper products is considered a competitive price. This bill
53 would increase that percentage to 15% and broaden the provision
54 to apply to all recycled products.

1

2

3 Mandates State purchase of products and supplies manufactured

4 from recycled materials.

ASSEMBLY SOLID WASTE COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 676
STATE OF NEW JERSEY

DATED: MARCH 30, 1992

The Assembly Solid Waste Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 676.

The Assembly Committee Substitute for Assembly Bill No. 676 revises the existing State recycled paper and recycled paper products purchase requirements, and authorizes and encourages the State to purchase nonpaper finished products and supplies made from recycled materials.

The "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.) requires the Director of the Division of Purchase and Property to review and modify existing public bidding and product specification requirements in order to encourage the maximum State purchase of recycled paper or recycled paper products. The Act also requires that not less than 45% of the paper or paper products purchased by the State for use by State agencies or any county, municipality, or school district after July 1, 1989 be manufactured from recycled paper or recycled paper products. Priority procurement consideration must be given to recycled paper or recycled paper products containing the highest percentage of post-consumer waste material.

The Act provides that the division must make contracts available for the purchase of recycled paper or recycled paper products whenever the price is competitive. A price within 10% of the price of items that are manufactured or produced from virgin paper products is considered a competitive price. Counties, municipalities, authorities, and boards of education may cooperatively purchase recycled paper or paper products made from recycled paper products procured by the division.

This bill would increase the mandated State purchase of recycled paper and recycled paper products. Specifically, the bill provides that by April 1, 1992 not less than 55% of the total dollar amount of the paper or paper products purchased by the State must be made from recycled paper or recycled paper products containing at least 50% secondary waste paper material and at least 10% post-consumer waste material by weight. Thereafter, 60% of the total dollar amount of the paper or paper products purchased by the State after January 1, 1993 must be made from recycled paper or recycled paper products containing at least 15% post-consumer waste material by weight.

By January 1, 1995, not less than 65% of the total dollar amount of the paper or paper products purchased by the State must be for recycled paper or recycled paper products containing at least 50% secondary waste paper material and at least 25% post-consumer waste material by weight, except for high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper and duplicator paper, which must contain at least 15% post-consumer waste material.

The bill authorizes the director to make contracts available for paper or paper products made from recycled paper or recycled paper products at a price less than or equal to 10% of the price of virgin paper products. Further, the bill authorizes the director, upon consultation with the Department of Environmental Protection, to make contracts available for paper or paper products made from recycled paper or recycled paper products at a price less than or equal to 15% of the price of virgin paper products whenever the director determines that a 15% price preference is in the best interest of the State.

The bill would also encourage the procurement and purchase of other nonpaper finished products and supplies made from recycled material. A "recycled product" or "product made from recycled material" is defined as any nonpaper item or commodity which is manufactured or produced in whole or in part from post-consumer waste material.

The bill requires the director to revise existing public bidding and product specification requirements for nonpaper finished products and supplies in order to facilitate the purchase of recycled products, and to make contracts available for those products or supplies made from recycled material whenever the director determines that such items meet performance standards set forth in applicable product specifications and are available at a reasonable price. A "reasonable" price is defined as a price less than or equal to 15% of the price of products or supplies made from raw materials. However, the bill authorizes the director, upon consultation with the Department of Environmental Protection, to make contracts available for products made from recycled material at a price exceeding 15% of the price of items made from raw materials whenever the director determines that a higher price preference is in the best interest of the State. Preference would be given to recycled products with the highest percentage of post-consumer waste material.

SENATE ENVIRONMENT COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 676

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 1992

The Senate Environment Committee favorably reports Assembly Bill No. 676 (ACS) with committee amendments.

The Assembly Committee Substitute for Assembly Bill No. 676 revises the existing State recycled paper and recycled paper products purchase requirements, and authorizes and encourages the State to purchase nonpaper finished products and supplies made from recycled materials.

The "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.) requires the Director of the Division of Purchase and Property to review and modify existing public bidding and product specification requirements in order to encourage the maximum State purchase of recycled paper or recycled paper products. The Act also requires that not less than 45% of the paper or paper products purchased by the State for use by State agencies or any county, municipality, or school district after July 1, 1989 be manufactured from recycled paper or recycled paper products. Priority procurement consideration must be given to recycled paper or recycled paper products containing the highest percentage of post-consumer waste material.

The Act provides that the division must make contracts available for the purchase of recycled paper or recycled paper products whenever the price is competitive. A price within 10% of the price of items that are manufactured or produced from virgin paper products is considered a competitive price. Counties, municipalities, authorities, and boards of education may cooperatively purchase recycled paper or paper products made from recycled paper products procured by the division.

This bill would increase the mandated State purchase of recycled paper and recycled paper products. Specifically, as amended, the bill provides that by December 1, 1992 not less than 55% of the total dollar amount of the paper or paper products purchased by the State must be made from recycled paper or recycled paper products containing at least 50% secondary waste paper material and at least 10% post-consumer waste material by weight. Thereafter, as amended, the bill provides that 60% of the total dollar amount of the paper or paper products purchased by the State after January 1, 1993 must be made from recycled paper or recycled paper products containing at least 15% post-consumer waste material by weight.

By January 1, 1995, not less than 65% of the total dollar amount of the paper or paper products purchased by the State must be for

recycled paper or recycled paper products containing at least 50% secondary waste paper material and at least 25% post-consumer waste material by weight, except for high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper and duplicator paper, which must contain at least 15% post-consumer waste material.

The bill authorizes the director to make contracts available for paper or paper products made from recycled paper or recycled paper products at a price no more than 10% over the price of virgin paper products. Further, the bill authorizes the director, upon consultation with the Department of Environmental Protection, to make contracts available for paper or paper products made from recycled paper or recycled paper products at a price no more than 15% over the price of virgin paper products whenever the director determines that a 15% price preference is in the best interest of the State.

The bill would also encourage the procurement and purchase of other nonpaper finished products and supplies made from recycled material. A "recycled product" or "product made from recycled material" is defined as any nonpaper item or commodity which is manufactured or produced in whole or in part from post-consumer waste material.

The bill requires the director to revise existing public bidding and product specification requirements for nonpaper finished products and supplies in order to facilitate the purchase of recycled products, and to make contracts available for those products or supplies made from recycled material whenever the director determines that such items meet performance standards set forth in applicable product specifications and are available at a reasonable price. A "reasonable" price is defined as a price no more than 15% over the price of products or supplies made from raw materials. Preference would be given to recycled products with the highest percentage of post-consumer waste material.

The would clarify language in sections 3, 4 and 5 that the authorized price differentials are 10%, 15% or more, above, as applicable, the price of items produced from raw materials or the price of virgin paper. The committee amendments would also change the date by which 55% of the total dollar amount of paper or paper products containing 50% secondary waste paper material and 10% post-consumer waste material which must be purchased by the State from April 1, 1992 to December 1, 1992. Similarly, the committee amendments would change the date by which 60% of the total dollar amount of paper or paper products containing 50% secondary waste paper material and 15% post-consumer waste material which must be purchased by the State from January 1, 1992 to July 1, 1992. Finally, the committee amendments would remove the authority of the Director of the Division of Purchase and Property to make contracts available for products made from recycled material at a price more than 15% above the price of materials produced from raw materials.

As amended, this bill is identical to the Senate Bill No. 921 of 1992 as amended by the committee.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 676

STATE OF NEW JERSEY

DATED: June 18, 1992

Assembly Committee Substitute for Assembly Bill No. 676 of 1992 revises the mandates which require the State to purchase recycled paper and encourages the State to purchase other products and supplies made from recycled material.

The "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L. 1987, c.102, provides that the Director of the Division of Purchase and Property must make contracts available for the purchase of recycled paper or recycled paper products whenever the price is within 10 percent of the price of those same products manufactured from virgin paper products. Specifically, the bill requires that by April 1, 1992 not less than 55 percent of the total dollar amount of paper products purchased by the State must be made from recycled paper or paper products containing at least 50 percent secondary waste paper material and at least 10 percent post-consumer waste material by weight. After January 1, 1993, at least 60 percent of the total dollar amount must be made from recycled paper or recycled paper products containing at least 15 percent post-consumer waste material by weight. By January 1, 1995, not less than 65 percent of the total dollar amount must be for recycled paper or recycled paper products containing at least 50 percent secondary waste paper material and at least 25 percent post-consumer waste material by weight.

The Division of Purchase and Property in the Department of the Treasury reported informally that it estimates that the bill's provision concerning recycled paper is not expected to cost more than \$100,000. However, the division was unable to estimate the costs associated with the bill's provision concerning nonpaper finished products made from recycled material. In January 1991 for a different bill, the division estimated that, under the current ten percent threshold, approximately 47 percent of the paper and paper products purchased by the State is recycled paper. Responding to a bill which has similar requirements to this bill, the division noted that compliance with all of the provisions of this bill might be difficult since recycled paper is not available in the marketplace in all grades and types.

The Office of Legislative Services (OLS) concurs and notes that the cost of recycled paper products is generally 10 to 30 percent higher than the cost of ordinary virgin paper products. Any requirement that the State purchase greater quantities of recycled paper and paper products will increase the cost of all such future purchases unless adequate supplies of all such products are available. It is unknown whether adequate supplies will be available.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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OFFICE OF THE GOVERNOR NEWS RELEASE

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EARTH DAY CELEBRATION: GOVERNOR SIGNS LAW REQUIRING GREATER STATE USE OF RECYCLED GOODS

MONTCLAIR -- To encourage a more widespread use of recycled materials, Governor Jim Florio today helped celebrate Earth Day by signing a law increasing state government's purchase of recycled paper and other products.

"To make recycling work, we've got to buy recycled products and use them," Governor Florio told children during an Earth Day ceremony at the Rand School. "This bill will help state government do more to reach our recycling goal. We're going to buy everything we can -- like asphalt and plastic benches -- that is made from recycled materials. This bill will also let counties, towns and Boards of Education buy recycled products from the state at a good price."

Earlier in the day, Governor Florio signed a proclamation commemorating the 23rd anniversary of Earth Day at the Matawan Avenue Middle School.

"When it comes to the environment, it is our children who in many ways are teaching their parents how to recycle, about the rainforests and global warming, endangered species and about the importance of clean drinking water," said Governor Florio. "It's often children who you'll find cleaning up parks, streets and our beaches through their schools or local environmental organizations. Kids already know the '3 R's' -- reduce, reuse, recycle. Kids, teachers and parents who care keep Earth Day alive every day."

The new law, signed in Montclair, increases the guidelines for the state's purchase of recycled paper goods and also encourages the state to purchase other recycled products and supplies. It requires the state to increase its purchase of recycled paper to 65 percent by January 1, 1995, up from the current 55 percent. The new law revises a previous statute which mandated 45 percent by 1989. Counties, municipalities, authorities and boards of education may also purchase recycled paper or paper products from the state under the current law.

