

13: 1E-99.11

LEGISLATIVE HISTORY CHECKLIST
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(Green glass beverage
containers--evaluate)

NJSA: 13:1E-99.11

LAWS OF: 1992 CHAPTER: 168

BILL NO: S295

SPONSOR(S) Cowan

DATE INTRODUCED: February 10, 1992

COMMITTEE: ASSEMBLY: Solid Waste
SENATE: Environment

AMENDED DURING PASSAGE: No Senate Committee substitute
enacted

DATE OF PASSAGE: ASSEMBLY: November 16, 1992
SENATE: June 11, 1992

DATE OF APPROVAL: December 2, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VITO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

974.90 New Jersey. Emergency Solid Waste Assessment Task Force.
M966 Preliminary report. July 6, 1990. Trenton, 1990.
1990b [see especially pp.29-31]

KBG:pp

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 295

STATE OF NEW JERSEY

ADOPTED JUNE 1, 1992

Sponsored by Senator COWAN

1 AN ACT concerning a study of the recycling of certain beverage
2 containers and supplementing P.L.1987, c.102 (C.13:1E-99.11
3 et al.).
4

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

7 1. a. Within one year of the effective date of this act, the
8 Department of Environmental Protection shall conduct a study to
9 determine whether a convenient and economically feasible
10 mechanism for the marketing and recycling of collected beverage
11 containers composed of green glass is available to counties and
12 municipalities in the State, and if a market is not available, to
13 evaluate the impact of a prohibition of the retail sale of
14 beverages in green glass containers. The department shall file a
15 written report containing its findings and recommendations
16 thereon to the Governor and to the Senate Environment
17 Committee and the Assembly Solid Waste Committee, or their
18 successors.

19 b. The report on green glass beverage containers shall contain:

20 (1) a comprehensive description of the market demand for
21 green glass and green cullet, the causes of any overabundance of
22 green cullet, and the monetary value of green cullet in the
23 recycling market;

24 (2) identification of the economic effect of the market for
25 green cullet upon the solid waste disposal costs and recycling
26 program costs of counties and municipalities;

27 (3) a determination whether a convenient and economically
28 feasible mechanism for the marketing and recycling of green
29 glass beverage containers currently exists in the State;

30 (4) an evaluation of the economic effect upon consumers, the
31 affected beverage industries, the State, and county and
32 municipality recycling programs of a prohibition of the sale or
33 distribution in the State of beverage containers composed of
34 green glass;

35 (5) a listing and evaluation of the alternatives to a prohibition
36 of the sale and distribution of beverages in containers composed
37 of green glass that would promote the State's recycling and solid
38 waste disposal goals, and eliminate the overabundance of these
39 unusable containers; and

40 (6) recommendations for legislative or administrative actions
41 to implement the findings of the department.

42 2. This act shall take effect immediately.
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46 Mandates DEP study of recycling markets for green glass
47 beverage containers.

SENATE, No. 295

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1992

By Senator COWAN

1 AN ACT concerning the sale or distribution of certain beverage
2 containers and supplementing P.L.1987, c.102 (C.13:1E-99.11
3 et al.).
4

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

7 1. Within one year of the effective date of this act, the
8 Department of Environmental Protection shall make a written
9 determination as to whether a convenient and economically
10 feasible mechanism for the marketing of collected beverage
11 containers composed of green glass for the purpose of recycling is
12 available to counties and municipalities in the State. A
13 determination by the department that a mechanism is available
14 shall be based upon a finding that there exists a demand for green
15 cullet sufficient to acquire substantially all of the green glass
16 beverage containers used in the State.

17 A determination by the department that no convenient and
18 economically feasible mechanism exists shall be made by rule
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.).

21 2. a. One year after a determination by the Department of
22 Environmental Protection that a convenient and economically
23 feasible mechanism for the marketing of beverage containers
24 composed of green glass does not exist pursuant to section 1 of
25 P.L. , c. (C.)(now before the Legislature as this bill), or if
26 that determination is appealed, within one year after final agency
27 action or the exhaustion of judicial appeals, no person shall:

28 (1) sell at retail in this State a beverage container composed of
29 green glass;

30 (2) sell at wholesale in this State a beverage container
31 composed of green glass with the knowledge or intent that the
32 beverage container will be sold at retail in this State; or

33 (3) distribute in the State a beverage container composed of
34 green glass with the knowledge or intent that the beverage
35 container will be sold at retail in this State.

36 b. Any person who violates the provisions of subsection a. of
37 this section shall be subject to a civil penalty of not less than
38 \$500 nor more than \$1,000 for each sale or distribution
39 transaction, but in no event may a person engaging in the retail
40 sale of a beverage container be subject to a penalty of more than
41 \$1,000 per day per retail outlet. If the violation is of a
42 continuing nature, each day during which it continues shall
43 constitute an additional, separate, and distinct offense. Any civil
44 action to impose a penalty pursuant to this subsection may be
45 brought by a local board of health, a county health department,

1 or by the department. The civil action may be commenced in the
2 Superior Court or in the municipal court and the penalty may be
3 enforced and collected with costs in a summary proceeding
4 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et
5 seq. In addition to the imposition of a penalty, the department
6 may institute a civil action for injunctive relief to enforce the
7 provisions of subsection a. this section and to prohibit and
8 prevent a violation of subsection a. The action for injunctive
9 relief may be commenced in a court of competent jurisdiction
10 and may be combined with an action for the imposition of civil
11 penalties.

12 3. This act shall take effect immediately.

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STATEMENT

17 This bill would prohibit the sale or distribution in this State of
18 beverage containers composed of green glass. The ban would not
19 apply to sales or distribution of green glass beverage containers
20 in the State if the beverage containers are to be sold
21 out-of-state. The ban would take effect upon a determination of
22 the Department of Environmental Protection and Energy, to be
23 made within one year of the bill's enactment, that there is no
24 convenient and economically feasible mechanism for the
25 marketing of collected green glass beverage containers in order
26 to recycle them. The determination of the department is to be
27 based on the market demand of green cullet. The ban would take
28 effect one year following the determination. The bill would delay
29 the start of the ban until after all appeals of the determination
30 have been settled.

31 Because there is an overabundance of green glass directly
32 attributable to the importation of various alcoholic beverages in
33 green glass containers, the demand for green cullet, the raw
34 recycled glass material, has diminished causing green glass to
35 have no monetary value in the recycling market. If the sale of
36 green glass containers continues, the problem will be further
37 exacerbated. In order for New Jersey to reach its recycling goals
38 and reduce the need for solid waste disposal space, it is important
39 that we not allow products to be sold in this State that are in
40 nonrecyclable containers if there are recyclable alternatives for
41 those containers. In this case, green glass containers can be
42 substituted by glass containers that are either clear, amber, or
43 brown.

44 The ban on green glass beverage containers would take effect
45 one year following the negative recycling feasibility
46 determination of the department. Thus, during the year after the
47 determination in which the ban on green glass containers is not
48 yet in effect, manufacturers and distributors would have
49 sufficient time to switch containers for their products sold in
50 New Jersey and retailers could exhaust their existing supplies of
51 products in green glass beverage containers.

52 Persons who violate the prohibition are subject to a civil
53 penalty of between \$500 and \$1,000 for each violative sales or
54 distribution transaction. A retailer may not be subject to a

1 penalty of more than \$1,000 per day per retail outlet. The
2 Department of Environmental Protection and Energy, a county
3 health department, and a local board of health are authorized to
4 bring the civil action and the department is authorized to seek an
5 injunction to prevent or stop violations. The penalty action may
6 be brought in either Superior or municipal court.

7 The Bergen County Municipal Recycling Coordinator's
8 Association identified the problem of recycling green glass and
9 proposed the remedy as provided for in this bill.

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14 Bans the sale or distribution of green glass beverage containers in
15 certain cases.

ASSEMBLY SOLID WASTE COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 295

STATE OF NEW JERSEY

DATED: OCTOBER 19, 1992

The Assembly Solid Waste Committee favorably reports the Senate Committee Substitute for Senate Bill No. 295.

The Senate Committee Substitute for Senate Bill No. 295 would require the Department of Environmental Protection, within one year of the bill's enactment, to perform a study to determine whether a mechanism for the marketing and recycling of collected beverage containers composed of green glass is available to counties and municipalities in the State, and if a market is not available, to evaluate the impact of a prohibition of the retail sale of beverages in green glass containers. The department's study would also identify alternatives to a State ban upon the sale of beverages in green glass containers that would eliminate the overabundance of the material. The department is directed to file a written report containing its findings and recommendations to the Governor and to the Chairmen of the Senate Environment Committee and the Assembly Solid Waste Committee, or their successors.

Because there is an overabundance of green glass directly attributable to the importation of various alcoholic beverages in green glass containers, the demand for green cullet, the raw recycled glass material, has diminished causing green glass to have no monetary value in the recycling market. This bill would require the department to study the problem and to search for a solution.

S-295 SCS is identical to A-1934.

SENATE ENVIRONMENT COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 295
STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Senate Environment Committee favorably reports a Senate Committee Substitute for Senate Bill No. 295.

The committee substitute would require the Department of Environmental Protection, within one year of the bill's enactment, to perform a study to determine whether a mechanism for the marketing and recycling of collected beverage containers composed of green glass is available to counties and municipalities in the State, and if a market is not available, to evaluate the impact of a prohibition of the retail sale of beverages in green glass containers. The department's study would also identify alternatives to a State ban upon the sale of beverages in green glass containers that would eliminate the overabundance of the material. The department is directed to file a written report containing its findings and recommendations to the Governor and to the Chairmen of the Senate Environment Committee and the Assembly Solid Waste Committee, or their successors.

Because there is an overabundance of green glass directly attributable to the importation of various alcoholic beverages in green glass containers, the demand for green cullet, the raw recycled glass material, has diminished causing green glass to have no monetary value in the recycling market. This bill would require the department to study the problem and to search for a solution.

"Achieving a 60 percent recycling of the total waste stream by 1995 has been the state's goal since the Governor's task force issued its report. Today, Governor Florio has taken decisive action to give that goal the full force of the law," said Scott Weiner, Commissioner of the Department of Environmental Protection and Energy (DEPE).

A second bill, S 295/A 1934, calls for a DEPE study within a year of the recycling potential of green glass beverage containers. The legislation stems from a growing concern that the substantial importation of beverages in green glass containers has produced a market glut of these materials and hampered local governments' ability to recycle these containers. The bill was sponsored by Senators Thomas Cowan and Henry McNamara, and Assemblymen Nicholas Felice and Anthony Imprevuduto.

"The green glass container bill is part of our strategy to recycle "smart". When problems crop up, government must plan and aggressively seek to expand markets and develop other uses for the trash we recycle or we aren't solving the problem of solid waste. Otherwise, we're just moving it from a landfill to a warehouse," said the Governor.

Governor Florio credited the Fair Lawn school system for its efforts in encouraging recycling. "From first graders to seniors in high school, students are learning to respect the environment. I'm proud of our recycling success story," he said. "Every year with the help of people all over New Jersey, we come closer to our goal. We won't rest until we get solid waste disposal totally under control. We can't expect others to take our trash. We have to take care of the garbage ourselves -- beginning in the home, in school and at the office."

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