

13:1E-99-40

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13 1E-99.40

(Plastic bottles &  
containers--establish  
uniform coding  
system)

LAWS OF: 1989

CHAPTER: 268

Bill No: A4303

Sponsor(s): Albohn

Date Introduced: February 27, 1989

Committee: Assembly: Solid Waste Management

Senate: Energy and Environment

Amended during passage: No

Date of Passage: Assembly: June 22, 1989

Senate: December 21, 1989

Date of Approval: January 4, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L.1989, CHAPTER 268, approved January 4, 1990  
1989 Assembly No. 4303

1 **AN ACT** establishing a uniform coding system for plastic bottles  
2 and containers, and supplementing P.L.1987, c.102  
3 (C.13:1E-99.11 et al.).  
4

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

7 1. As used in this act:

8 "Beverage" means milk, alcoholic beverages, including beer or  
9 other malt beverages, liquor, wine, vermouth and sparkling wine,  
10 and nonalcoholic beverages, including fruit juice, mineral water  
11 and soda water and similar nonalcoholic carbonated and  
12 noncarbonated drinks intended for human consumption;

13 "Beverage container" means an individual, separate,  
14 hermetically sealed, or made airtight with a metal or plastic cap,  
15 bottle or can composed of glass, metal, plastic or any  
16 combination thereof, containing a beverage;

17 "Commissioner" means the Commissioner of Environmental  
18 Protection;

19 "Department" means the Department of Environmental  
20 Protection;

21 "Plastic bottle" means any plastic beverage container having a  
22 capacity of at least 16 fluid ounces but less than 5 United States  
23 gallons, and composed of thermoplastic synthetic polymeric  
24 material;

25 "Plastic container" means any formed or molded and  
26 hermetically sealed, or made airtight with a metal or plastic cap,  
27 rigid container, other than a plastic bottle, intended for  
28 single-use and having a capacity of at least 8 ounces but less than  
29 5 United States gallons with a minimum wall thickness of not less  
30 than 0.010 inches, and composed primarily of thermoplastic  
31 synthetic polymeric material.

32 2. a. On or after January 1, 1991, no person shall sell, offer  
33 for sale, or distribute any plastic bottle or plastic container in

1 this State unless the bottle or container is labeled with a material  
2 code indicating the plastic resin used to produce the bottle or  
3 container. Any plastic bottle or plastic container with a label or  
4 basecup affixed thereto, the composition of which consists of a  
5 different material than the bottle or container itself, shall be  
6 coded by its basic material.

7 b. The material code shall consist of a uniform symbol and  
8 identification number, and an acronym comprising no more than  
9 five letters. The symbol shall consist of a triangular-shaped  
10 configuration of three arrows with a specific number placed  
11 within the center of the symbol to indicate the composition of  
12 the material used to produce the bottle or container. The  
13 acronym shall be placed below the triangle of arrows. The  
14 triangle shall be equilateral, formed by three arrows with the  
15 apex of each point of the triangle at the midpoint of each arrow,  
16 rounded with a short radius. The pointer (arrowhead) of each  
17 arrow shall be at the midpoint of each side of the triangle with a  
18 short gap separating the pointer from the base of the adjacent  
19 arrow. The triangle, formed by the three arrows curved at their  
20 midpoints shall depict a clockwise path around the code number.

21 c. The material code shall consist of an identification number  
22 and acronym as follows:

- 23 (1) Polyethylene terephthalate: "1" and "PETE";  
24 (2) High density polyethylene: "2" and "HDPE";  
25 (3) Vinyl: "3" and "V";  
26 (4) Low density polyethylene: "4" and "LDPE";  
27 (5) Polypropylene: "5" and "PP";  
28 (6) Polystyrene: "6" and "PS"; and  
29 (7) All other plastic resins and laminates: "7" and  
30 "OTHER".

31 d. The commissioner shall maintain on file in the department  
32 for public inspection copies of the material code provided in  
33 subsection c. of this section. The department shall provide a  
34 copy to any person upon request.

35 3. a. Any person convicted of a violation of this act shall be  
36 subject to a penalty of not less than \$500.00 nor more than  
37 \$1,000.00 for each offense, to be collected in a civil action by a  
38 summary proceeding under "the penalty enforcement law."  
39 (N.J.S.2A:58-1 et seq.), or in any case before a court of

1 competent jurisdiction wherein injunctive relief has been  
2 requested. The Superior Court and the municipal court shall have  
3 jurisdiction to enforce the provisions of "the penalty enforcement  
4 law" in connection with this act. If the violation is of a  
5 continuing nature, each day during which it continues constitutes  
6 an additional, separate, and distinct offense.

7 b. The department may institute a civil action for injunctive  
8 relief of enforce this act and to prohibit and prevent a violation  
9 of this act, and the court may proceed in the action in a summary  
10 manner.

11 4. The commissioner shall adopt, within one year of the  
12 effective date of this act and pursuant to the "Administrative  
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
14 regulations necessary to implement this act.

15 5. This act shall take effect immediately.

#### 16 17 18 STATEMENT 19

20 This bill would establish a uniform coding system to identify  
21 plastic bottles and containers by the basic plastic resin used in  
22 their manufacture. The coding system has been developed by the  
23 Society of the Plastics Industry (SPI) for adoption by the states in  
24 order to facilitate the recycling of these items.

25 Specifically, the bill provides that after January 1, 1991, no  
26 plastic bottle or plastic container may be sold or distributed in  
27 this State unless the bottle or container is labeled with a material  
28 code indicating the plastic resin used to produce the bottle or  
29 container. A "plastic bottle" is defined as any plastic beverage  
30 container having a capacity of at least 16 fluid ounces but less  
31 than 5 United States gallons. A "plastic container" refers to any  
32 formed or molded and hermetically sealed rigid container, other  
33 than a plastic bottle, intended for single-use and having a  
34 capacity of at least 8 ounces but less than 5 United States gallons.

35 In the case of a plastic bottle or container with a label or  
36 basecap affixed thereto, the composition of which consists of a  
37 different material than the bottle or container itself, the bottle  
38 or container would be coded by its basic material.

39 The material code consists of a uniform symbol and

1 identification number, and an acronym comprising no more than  
2 five letters. The symbol consists of a triangular-shaped  
3 configuration of three arrows with a specific number placed  
4 within the center of the symbol to indicate the composition of  
5 the material used to produce the bottle or container. The  
6 acronym is placed below the triangle of arrows.

7 The bill provides that the Commissioner of the Department of  
8 Environmental Protection must maintain on file in the  
9 department for public inspection copies of the material code  
10 established under this act, and the department must provide a  
11 copy to any person upon request.

12 The bill provides further that any person convicted of a  
13 violation of this act would be subject to a civil penalty of not less  
14 than \$500.00 nor more than \$1,000.00 for each offense.

15 Six states - California, Connecticut, Florida, Illinois,  
16 Minnesota and Wisconsin - have enacted legislation to adopt the  
17 SPI uniform plastic coding system to date.

18

19

20

**ENVIRONMENT**

21

**Solid Waste**

22

23 Establishes a uniform coding system for plastic bottles and  
24 containers.

**ASSEMBLY, No. 403**

**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 27, 1989

By Assemblymen ALBOHN, SHINN, McEnroe, Felice,  
Frelinghuysen, Assemblywomen Farragher, Ogden,  
Assemblymen Kyrillos, Schuber and Schluter

1 **AN ACT** establishing a uniform coding system for plastic bottles  
and containers. and supplementing P.L.1987, c.102  
3 (C.13:1E-99.11 et al.).

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

7 1. As used in this act:

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

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

17 "Commissioner" means the Commissioner of Environmental  
Protection;

19 "Department" means the Department of Environmental  
Protection;

21 "Plastic bottle" means any plastic beverage container having a  
capacity of at least 16 fluid ounces but less than 5 United States  
23 gallons, and composed of thermoplastic synthetic polymeric  
material;

25 "Plastic container" means any formed or molded and  
hermetically sealed, or made airtight with a metal or plastic cap,  
27 rigid container, other than a plastic bottle, intended for  
single-use and having a capacity of at least 8 ounces but less than  
29 5 United States gallons with a minimum wall thickness of not less  
than 0.010 inches, and composed primarily of thermoplastic  
31 synthetic polymeric material.

33 2. a. On or after January 1, 1991, no person shall sell, offer  
for sale, or distribute any plastic bottle or plastic container in

1 this State unless the bottle or container is labeled with a material  
code indicating the plastic resin used to produce the bottle or  
3 container. Any plastic bottle or plastic container with a label or  
basecup affixed thereto, the composition of which consists of a  
5 different material than the bottle or container itself, shall be  
coded by its basic material.

7 b. The material code shall consist of a uniform symbol and  
identification number, and an acronym comprising no more than  
9 five letters. The symbol shall consist of a triangular-shaped  
configuration of three arrows with a specific number placed  
11 within the center of the symbol to indicate the composition of  
the material used to produce the bottle or container. The  
13 acronym shall be placed below the triangle of arrows. The  
triangle shall be equilateral, formed by three arrows with the  
15 apex of each point of the triangle at the midpoint of each arrow,  
rounded with a short radius. The pointer (arrowhead) of each  
17 arrow shall be at the midpoint of each side of the triangle with a  
short gap separating the pointer from the base of the adjacent  
19 arrow. The triangle, formed by the three arrows curved at their  
midpoints shall depict a clockwise path around the code number.

21 c. The material code shall consist of an identification number  
and acronym as follows:

- 23 (1) Polyethylene terephthalate: "1" and "PETE";  
(2) High density polyethylene: "2" and "HDPE";  
25 (3) Viny: "3" and "V";  
(4) Low density polyethylene: "4" and "LDPE";  
27 (5) Polypropylene: "5" and "PP";  
(6) Polystyrene: "6" and "PS"; and  
29 (7) All other plastic resins and laminates: "7" and  
"OTHER".

31 d. The commissioner shall maintain on file in the department  
for public inspection copies of the material code provided in  
33 subsection c. of this section. The department shall provide a  
copy to any person upon request.

35 3. a. Any person convicted of a violation of this act shall be  
subject to a penalty of not less than \$500.00 nor more than  
37 \$1,000.00 for each offense, to be collected in a civil action by a  
summary proceeding under "the penalty enforcement law,"  
39 (N.J.S.2A:58-1 et seq.), or in any case before a court of

1 competent jurisdiction wherein injunctive relief has been  
2 requested. The Superior Court and the municipal court shall have  
3 jurisdiction to enforce the provisions of "the penalty enforcement  
4 law" in connection with this act. If the violation is of a  
5 continuing nature, each day during which it continues constitutes  
6 an additional, separate, and distinct offense.

7 b. The department may institute a civil action for injunctive  
8 relief of enforce this act and to prohibit and prevent a violation  
9 of this act, and the court may proceed in the action in a summary  
10 manner.

11 4. The commissioner shall adopt, within one year of the  
12 effective date of this act and pursuant to the "Administrative  
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
14 regulations necessary to implement this act.

15 5. This act shall take effect immediately.

17

#### 18 STATEMENT

19

20 This bill would establish a uniform coding system to identify  
21 plastic bottles and containers by the basic plastic resin used in  
22 their manufacture. The coding system has been developed by the  
23 Society of the Plastics Industry (SPI) for adoption by the states in  
24 order to facilitate the recycling of these items.

25 Specifically, the bill provides that after January 1, 1991, no  
26 plastic bottle or plastic container may be sold or distributed in  
27 this State unless the bottle or container is labeled with a material  
28 code indicating the plastic resin used to produce the bottle or  
29 container. A "plastic bottle" is defined as any plastic beverage  
30 container having a capacity of at least 16 fluid ounces but less  
31 than 5 United States gallons. A "plastic container" refers to any  
32 formed or molded and hermetically sealed rigid container, other  
33 than a plastic bottle, intended for single-use and having a  
34 capacity of at least 8 ounces but less than 5 United States gallons.

35 In the case of a plastic bottle or container with a label or  
36 basecup affixed thereto, the composition of which consists of a  
37 different material than the bottle or container itself, the bottle  
38 or container would be coded by its basic material.

39 The material code consists of a uniform symbol and



1 identification number, and an acronym comprising no more than  
2 five letters. The symbol consists of a triangular-shaped  
3 configuration of three arrows with a specific number placed  
4 within the center of the symbol to indicate the composition of  
5 the material used to produce the bottle or container. The  
6 acronym is placed below the triangle of arrows.

7 The bill provides that the Commissioner of the Department of  
8 Environmental Protection must maintain on file in the  
9 department for public inspection copies of the material code  
10 established under this act, and the department must provide a  
11 copy to any person upon request.

The bill provides further that any person convicted of a  
12 violation of this act would be subject to a civil penalty of not less  
13 than \$500.00 nor more than \$1,000.00 for each offense.

14 Six states - California, Connecticut, Florida, Illinois,  
15 Minnesota and Wisconsin - have enacted legislation to adopt the  
16 SPI uniform plastic coding system to date.  
17

18

#### ENVIRONMENT

19

##### Solid Waste

20  
21  
22  
23 Establishes a uniform coding system for plastic bottles and  
24 containers.

ASSEMBLY SOLID WASTE MANAGEMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4303

STATE OF NEW JERSEY

DATED: APRIL 17, 1989

The Assembly Solid Waste Management Committee favorably reports Assembly Bill No. 4303.

Assembly Bill No. 4303 would establish a uniform coding system to identify plastic bottles and containers by the basic plastic resin used in their manufacture. The coding system has been developed by the Society of the Plastics Industry (SPI) for adoption by the states in order to facilitate the recycling of these items.

Specifically, the bill provides that after January 1, 1991, no plastic bottle or plastic container may be sold or distributed in this State unless the bottle or container is labeled with a material code indicating the plastic resin used to produce the bottle or container. A "plastic bottle" is defined as any plastic beverage container having a capacity of at least 16 fluid ounces but less than 5 United States gallons. A "plastic container" refers to any formed or molded and hermetically sealed rigid container, other than a plastic bottle, intended for single-use and having a capacity of at least 8 ounces but less than 5 United States gallons.

In the case of a plastic bottle or container with a label or basecup affixed thereto, the composition of which consists of a different material than the bottle or container itself, the bottle or container would be coded by its basic material.

The material code consists of a uniform symbol and identification number, and an acronym comprising no more than five letters. The symbol consists of a triangular-shaped configuration of three arrows with a specific number placed within the center of the symbol to indicate the composition of the material used to produce the bottle or container. The acronym is placed below the triangle of arrows.

A4303 provides that the Commissioner of the Department of Environmental Protection must maintain on file in the department for public inspection copies of the material code established under this act, and the department must provide a copy to any person upon request.

A4303 provides further that any person convicted of a violation of this act would be subject to a civil penalty of not less than \$500.00 nor more than \$1,000.00 for each offense.

Six states - California, Connecticut, Florida, Illinois, Minnesota and Wisconsin - have enacted legislation to adopt the SPI uniform plastic coding system to date.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4303

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1989

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 4303.

This bill would establish a uniform coding system to identify plastic bottles and containers by the basic plastic resin used in their manufacture. The coding system has been developed by the Society of the Plastics Industry (SPI) for adoption by the states in order to facilitate the recycling of these items.

Specifically, the bill provides that after January 1, 1991, no plastic bottle or plastic container may be sold or distributed in this State unless the bottle or container is labeled with a material code indicating the plastic resin used to produce the bottle or container. A "plastic bottle" is defined as any plastic beverage container having a capacity of at least 16 fluid ounces but less than 5 United States gallons. A "plastic container" refers to any formed or molded and hermetically sealed rigid container, other than a plastic bottle, intended for single-use and having a capacity of at least 8 ounces but less than 5 United States gallons.

In the case of a plastic bottle or container with a label or basecup affixed thereto, the composition of which consists of a different material than the bottle or container itself, the bottle or container would be coded by its basic material.

The material code consists of a uniform symbol and identification number, and an acronym comprising no more than five letters. The symbol consists of a triangular-shaped configuration of three arrows with a specific number placed within the center of the symbol to indicate the composition of the material used to produce the bottle or container. The acronym is placed below the triangle of arrows.

This bill would also require the Commissioner of the Department of Environmental Protection to maintain on file in the department for public inspection copies of the material code established under this act, and the department must provide a copy to any person upon request.

The bill provides further that any person convicted of a violation of this bill would be subject to a civil penalty of not less than \$500.00 nor more than \$1,000.00 for each offense.

Six states - California, Connecticut, Florida, Illinois, Minnesota and Wisconsin - have enacted legislation to adopt the SPI uniform plastic coding system to date.