

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 4821 and 4823

STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED MARCH 23, 2023

Sponsored by:

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Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Benson, Assemblywomen Carter, Speight, Assemblyman Tully, Assemblywomen Swain and Lopez

SYNOPSIS

Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 22, 2023, with amendments.

(Sponsorship Updated As Of: 12/21/2023)

1 AN ACT concerning microplastics and supplementing Title 58 of the
2 Revised Statutes.

3

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

6

7 1. As used in this act:

8 “Board” means the Board of Public Utilities.

9 “Commissioner” means the Commissioner of Environmental
10 Protection.

11 “Department” means the Department of Environmental
12 Protection.

13 “Public water system” means the same as the term is defined in
14 section 3 of P.L.1977, c.224 (C.58:12A-3).

15 “System owner or operator” means a board, authority, local
16 government unit, or other person or entity that owns or operates a
17 public water system or a wastewater system in the State.

18

19 2. No later than ¹**[six months]** one year¹ after the effective date
20 of this act, the Department of Environmental Protection, in
21 consultation with the Drinking Water Quality Institute established
22 pursuant to section 10 of P.L.1983, c.443 (C.58:12A-20), shall
23 establish:

24 a. a definition of the term “microplastics”; and

25 b. ¹**[a]**¹ standard ¹**[methodology]** methodologies¹ to be used by
26 public water systems in the testing of drinking water for microplastics.

27

28 3. No later than three years after the effective date of this act,
29 the Department of Environmental Protection shall adopt rules and
30 regulations pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing:

32 a. requirements for testing and reporting the concentration of
33 microplastics in drinking water for a four year period commencing
34 upon adoption of the rules and regulations, by public water systems,
35 including public disclosure of test results; and

36 b. criteria to accredit qualified laboratories in New Jersey to
37 analyze microplastics, which may be the same as used for the
38 program for the certification of laboratories pursuant to subsection
39 c. of section 4 of P.L.1977, c.224 (C.58:12A-4).

40

41 4. a. Within 30 days after the effective date of this act, the
42 Department of Environmental Protection and the Board of Public
43 Utilities shall commence a comprehensive, collaborative study to
44 evaluate the feasibility and benefits of the use of microplastics removal

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 Assembly AAP committee amendments adopted June 22, 2023.

1 technologies by system owners or operators to remove microplastics
2 from drinking water and wastewater in the State.

3 The study shall be completed no later than ¹~~one year~~ two years¹
4 after the effective date of this act, and shall include an evaluation of:

5 (1) the short-term and long-term impacts of microplastics on
6 human health and the environment, including, but not limited to, ocean
7 and riparian ecosystems, aquatic and marine organisms, drinking water
8 quality, and the food chain;

9 (2) the beneficial impacts to human health and the environment
10 that are likely to result from the increased use of microplastics removal
11 technologies in the State;

12 (3) the different types of microplastics removal technologies that
13 are available, on the market, for use in removing microplastics from
14 drinking water and wastewater, and the costs thereof;

15 (4) the performance capacity of each type of microplastics removal
16 technology available on the market, including, but not limited to, the
17 capacity of each microplastics removal technology to adequately
18 remove microplastics from drinking water and wastewater, and the
19 efficiency and efficacy of each such technology;

20 (5) whether, and the extent to which, each available microplastics
21 removal technology is currently being used in New Jersey or other
22 states, or in other countries;

23 (6) the feasibility and desirability of establishing a financial
24 incentive system, or of using other available means and methods, such
25 as public-private partnerships, financial investments, or university
26 involvement, to encourage and incentivize the development and
27 successful deployment of new and effective microplastics removal
28 technologies in the State; and

29 (7) the factors that should be considered, and determinations that
30 should be made, by the board and by the department, when soliciting
31 and approving proposals for microplastics removal projects in the
32 State.

33 b. The department and board shall authorize system owners or
34 operators in the State to engage in pilot microplastics removal projects,
35 with associated pilot project data to be included in the study conducted
36 pursuant to subsection a. of this section and in the report produced
37 pursuant to subsection d. of this section. The department shall solicit
38 and approve applications for, and take other appropriate action to
39 facilitate, the implementation of pilot projects for these purposes.

40 c. In conducting the study pursuant to subsection a. of this
41 section, the department and board shall cooperatively engage in a
42 robust stakeholder engagement process, which shall include
43 consultation with, and the solicitation of testimony and information
44 from:

45 (1) professionals, businesses, organizations, and agencies having
46 particular experience or expertise in one or more of the following
47 areas: the operation of water supply, water treatment, or wastewater
48 collection or treatment systems; the operation of water filtering

- 1 systems or removal technologies; the proper handling or disposal of
2 microplastics; or the study or remediation of water pollution or
3 contaminants;
- 4 (2) marine biologists, oceanographers, water quality specialists,
5 environmental scientists, toxicologists, public health experts, and other
6 members of appropriate scientific fields;
- 7 (3) representatives of the plastics manufacturing industry;
- 8 (4) members of the public; and
- 9 (5) other relevant and interested parties.
- 10 d. No later than three months after the study, pursuant to
11 subsection a. of this section, is concluded, the commissioner and the
12 President of the board shall cooperatively prepare and submit a written
13 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
14 (C.52:14-19.1), to the Legislature, identifying the findings from the
15 study, including any findings and relevant data associated with pilot
16 projects undertaken pursuant to subsection b. of this section, and
17 providing recommendations for legislative, executive, and other
18 actions that can be taken to facilitate, encourage, and promote the
19 increased use of microplastics removal technologies in the State. At a
20 minimum, the report shall:
- 21 (1) include a strategic plan for the deployment and use of
22 microplastics removal technologies by system owners or operators in
23 the State;
- 24 (2) identify the procedures and standards that will be used in
25 soliciting and approving proposals for microplastics removal projects
26 in the State; and
- 27 (3) describe the financial incentives, if any, and any other
28 alternative means and methods, that should or will be used by the
29 department and the board to:
- 30 (a) facilitate the development and deployment of efficient and
31 effective microplastics removal technologies throughout the State, in
32 accordance with the strategic plan developed pursuant to paragraph (1)
33 of this subsection; and
- 34 (b) promote technological innovations in the area of microplastics
35 removal.
- 36 e. Following the submission of the report, pursuant to subsection
37 d. of this section, the department and the board shall:
- 38 (1) consistent with the findings set forth in the report, engage in an
39 ongoing, cooperative public education and awareness campaign, and
40 take other appropriate action, in order to inform system owners or
41 operators and members of the public about:
- 42 (a) the threats to human health and the environment that are posed
43 by microplastics;
- 44 (b) the importance of removing microplastics from drinking water
45 and wastewater;
- 46 (c) the microplastics removal technologies that are available on
47 the market and have been deemed to be effective in removing
48 microplastics from water;

- 1 (d) the goals and primary elements of the strategic plan established
2 pursuant to paragraph (1) of subsection d. of this section; and
3 (e) the State and federal incentives that are available, if any, to
4 facilitate the development, deployment, and use of new or existing
5 microplastics removal technologies in the State;
6 (2) authorize, and issue permits or licenses as may be necessary to
7 enable, the continuation of pilot projects commenced pursuant to
8 subsection b. of this section, and the commencement of new
9 microplastics removal projects by system owners or operators in the
10 State; and
11 (3) consistent with the recommendations contained in the report,
12 and within the limits of funds appropriated to the department or the
13 board for their purposes, establish incentive or other programs, as
14 necessary to incentivize, promote, or facilitate the increased use of
15 effective and efficient new and existing microplastics removal
16 technologies by system owners or operators in the State.
17
18 5. This act shall take effect immediately.