

SENATE BILL NO. 861
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 861 (First Reprint) without my approval.

This bill would override the air quality protections in the Air Pollution Control Act, P.L.1954, c.212 (N.J.S.A. 26:2C-1 et seq.), to allow municipalities to hold annual events involving the open-air burning of Christmas trees. Prior to 2019, the New Jersey Department of Environmental Protection ("DEP") exercised its enforcement discretion and did not take enforcement actions against these types of events.

Combustion of plant matter, particularly green plant matter, results in the release of fine particulate matter and other air pollutants. Numerous scientific studies have linked exposure to particulate pollution with a host of health effects, including premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and respiratory symptoms such as airway irritation, coughing, and difficulty breathing. Children, older adults, and individuals with asthma and other heart or lung conditions are most likely to be adversely affected by exposure to particulate matter pollution. Even short-term exposure to particulate matter can cause immediate respiratory distress for sensitive populations and exacerbate existing heart and lung conditions.

Particulate matter pollution also has harmful effects on the environment, including making lakes and streams more acidic, changing the nutrient balance in coastal waters, and damaging sensitive forests and crops. Burning trees and other organic matter also contributes to climate change, resulting in the release

of carbon dioxide, as well as black carbon (or soot), a component of particulate matter that is another climate warming pollutant.

As a result of these concerns, DEP has used its authority under the Air Pollution Control Act, since at least the 1980s, to prohibit "the disposal of any type of plant by open burning." N.J.A.C. 7:27-2.3(c). The DEP, in some past years, exercised discretion via annual administrative orders, not to take enforcement action with respect to Christmas tree bonfire events. However, in 2019, under my administration, the DEP discontinued allowing such events due to the negative health impacts of concentrated releases of particulate matter from large-scale burning, as well as specific concerns about releases of more toxic air pollution when decorative materials like tinsel are not fully removed prior to burning. No open-air burning of Christmas trees has been permitted since. As an alternative, DEP has encouraged municipalities to dispose of Christmas trees in a more environmentally-sound manner, such as by mulching or for dune construction.

As climate change contributes to worsening air quality in general, particularly in overburdened communities where sensitive populations have fewer options for avoiding it, it also creates conditions conducive to wildfires that can release hazardous amount of particulate matter. In New Jersey, as around the country, the forest fire season has been growing longer and more intense in recent years, with DEP's Forest Fire Service responding to 1,034 wildfires that burned 17,929 acres from January through September 2023. This year has also seen 35 days to date where DEP issued air quality alerts due to ozone or particulate matter exceedances, including multiple days in June where air quality reached hazardous levels due to smoke from wildfires in Canada.

I appreciate that holiday bonfires have been a cherished tradition in certain municipalities, bringing communities together

in celebration, attracting tourists in the winter months, and raising money for charitable purposes. However, protecting the health of our most vulnerable residents must come first. As we work together across government to combat environmental threats to our State's air quality and the public health conditions that affect New Jersey residents' respiratory health, I cannot support a measure that would directly weaken the air quality protections that all New Jersey residents deserve. There are many ways to celebrate the winter season, and I am confident that New Jersey's vibrant and resourceful communities will find meaningful new traditions to bring people together without the harmful public health and environmental effects of open-air tree burning.

Accordingly, I herewith return Senate Bill No. 861 (First Reprint) without my approval.

[seal]

Respectfully,
/s/ Philip D. Murphy
Governor

Attest:

/s/ Parimal Garg
Chief Counsel to the Governor