

[First Reprint]

**SENATE, No. 3283**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED OCTOBER 31, 2022

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**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 amended by the Senate on December 21, 2023.



**(Sponsorship Updated As Of: 12/15/2022)**

1 AN ACT concerning <sup>1</sup>**the identification and testing of**<sup>1</sup>  
 2 microplastics <sup>1</sup>**in drinking water**<sup>1</sup> and supplementing  
 3 <sup>1</sup>**P.L.1977, c.224 (C.58:12A-1 et seq.)** Title 58 of the Revised  
 4 Statutes<sup>1</sup>.

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

8  
 9 1. <sup>1</sup>**The Drinking Water Quality Institute** established pursuant to  
 10 section 10 of P.L.1983, c.443 (C.58:12A-20) shall study the issue of  
 11 microplastics in drinking water and, within two years after the  
 12 effective date of this act, recommend to the Department of  
 13 Environmental Protection a definition of microplastics in drinking  
 14 water.] As used in this act:

15 “Board” means the Board of Public Utilities.

16 “Commissioner” means the Commissioner of Environmental  
 17 Protection.

18 “Department” means the Department of Environmental Protection.

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

21 “System owner or operator” means a board, authority, local  
 22 government unit, or other person or entity that owns or operates a  
 23 public water system or a wastewater system in the State.<sup>1</sup>

24  
 25 2. No later than <sup>1</sup>**three years** one year<sup>1</sup> after the effective date  
 26 of this act, the Department of Environmental Protection <sup>1</sup>, in  
 27 consultation with the Drinking Water Quality Institute established  
 28 pursuant to section 10 of P.L.1983, c.443 (C.58:12A-20),<sup>1</sup> shall  
 29 establish<sup>1</sup>:

30 a. <sup>1</sup>**adopt a standard methodology to be used in the testing of**  
 31 **drinking water for microplastics;**

32 b. adopt requirements for four years of testing and reporting the  
 33 concentration of microplastics in drinking water by public water  
 34 systems, including public disclosure of test results; and

35 c. accredit qualified laboratories in New Jersey to analyze  
 36 microplastics] a definition of the term “microplastics”; and

37 b. standard methodologies to be used by public water systems in  
 38 the testing of drinking water for microplastics<sup>1</sup>.

39  
 40 3. <sup>1</sup>**The Department of Environmental Protection may adopt**  
 41 **rules and regulations pursuant to the "Administrative Procedure Act,"**  
 42 **P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of**  
 43 **this act.]** No later than three years after the effective date of this act,

**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:

<sup>1</sup>Senate floor amendments adopted December 21, 2023.

1 the Department of Environmental Protection shall adopt rules and  
2 regulations pursuant to the "Administrative Procedure Act," P.L.1968,  
3 c.410 (C.52:14B-1 et seq.), establishing:

4 a. requirements for testing and reporting the concentration of  
5 microplastics in drinking water for a four year period commencing  
6 upon adoption of the rules and regulations, by public water systems,  
7 including public disclosure of test results; and

8 b. criteria to accredit qualified laboratories in New Jersey to  
9 analyze microplastics, which may be the same as used for the program  
10 for the certification of laboratories pursuant to subsection c. of section  
11 4 of P.L.1977, c.224 (C.58:12A-4).<sup>1</sup>  
12

13 <sup>1</sup>4. a. Within 30 days after the effective date of this act, the  
14 Department of Environmental Protection and the Board of Public  
15 Utilities shall commence a comprehensive, collaborative study to  
16 evaluate the feasibility and benefits of the use of microplastics  
17 removal technologies by system owners or operators to remove  
18 microplastics from drinking water and wastewater in the State.

19 The study shall be completed no later than two years after the  
20 effective date of this act, and shall include an evaluation of:

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

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

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

31 (4) the performance capacity of each type of microplastics  
32 removal technology available on the market, including, but not  
33 limited to, the capacity of each microplastics removal technology to  
34 adequately remove microplastics from drinking water and  
35 wastewater, and the efficiency and efficacy of each such  
36 technology;

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

40 (6) the feasibility and desirability of establishing a financial  
41 incentive system, or of using other available means and methods,  
42 such as public-private partnerships, financial investments, or  
43 university involvement, to encourage and incentivize the  
44 development and successful deployment of new and effective  
45 microplastics removal technologies in the State; and

46 (7) the factors that should be considered, and determinations  
47 that should be made, by the board and by the department, when

1 soliciting and approving proposals for microplastics removal  
2 projects in the State.

3 b. The department and board shall authorize system owners or  
4 operators in the State to engage in pilot microplastics removal  
5 projects, with associated pilot project data to be included in the  
6 study conducted pursuant to subsection a. of this section and in the  
7 report produced pursuant to subsection d. of this section. The  
8 department shall solicit and approve applications for, and take other  
9 appropriate action to facilitate, the implementation of pilot projects  
10 for these purposes.

11 c. In conducting the study pursuant to subsection a. of this  
12 section, the department and board shall cooperatively engage in a  
13 robust stakeholder engagement process, which shall include  
14 consultation with, and the solicitation of testimony and information  
15 from:

16 (1) professionals, businesses, organizations, and agencies  
17 having particular experience or expertise in one or more of the  
18 following areas: the operation of water supply, water treatment, or  
19 wastewater collection or treatment systems; the operation of water  
20 filtering systems or removal technologies; the proper handling or  
21 disposal of microplastics; or the study or remediation of water  
22 pollution or contaminants;

23 (2) marine biologists, oceanographers, water quality specialists,  
24 environmental scientists, toxicologists, public health experts, and  
25 other members of appropriate scientific fields;

26 (3) representatives of the plastics manufacturing industry;

27 (4) members of the public; and

28 (5) other relevant and interested parties.

29 d. No later than three months after the study, pursuant to  
30 subsection a. of this section, is concluded, the commissioner and the  
31 President of the board shall cooperatively prepare and submit a  
32 written report to the Governor and, pursuant to section 2 of  
33 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, identifying the  
34 findings from the study, including any findings and relevant data  
35 associated with pilot projects undertaken pursuant to subsection b.  
36 of this section, and providing recommendations for legislative,  
37 executive, and other actions that can be taken to facilitate,  
38 encourage, and promote the increased use of microplastics removal  
39 technologies in the State. At a minimum, the report shall:

40 (1) include a strategic plan for the deployment and use of  
41 microplastics removal technologies by system owners or operators  
42 in the State;

43 (2) identify the procedures and standards that will be used in  
44 soliciting and approving proposals for microplastics removal  
45 projects in the State; and

46 (3) describe the financial incentives, if any, and any other  
47 alternative means and methods, that should or will be used by the  
48 department and the board to:

1       (a) facilitate the development and deployment of efficient and  
2 effective microplastics removal technologies throughout the State,  
3 in accordance with the strategic plan developed pursuant to  
4 paragraph (1) of this subsection; and

5       (b) promote technological innovations in the area of  
6 microplastics removal.

7       e. Following the submission of the report, pursuant to  
8 subsection d. of this section, the department and the board shall:

9       (1) consistent with the findings set forth in the report, engage in  
10 an ongoing, cooperative public education and awareness campaign,  
11 and take other appropriate action, in order to inform system owners  
12 or operators and members of the public about:

13       (a) the threats to human health and the environment that are  
14 posed by microplastics;

15       (b) the importance of removing microplastics from drinking  
16 water and wastewater;

17       (c) the microplastics removal technologies that are available on  
18 the market and have been deemed to be effective in removing  
19 microplastics from water;

20       (d) the goals and primary elements of the strategic plan  
21 established pursuant to paragraph (1) of subsection d. of this  
22 section; and

23       (e) the State and federal incentives that are available, if any, to  
24 facilitate the development, deployment, and use of new or existing  
25 microplastics removal technologies in the State;

26       (2) authorize, and issue permits or licenses as may be necessary  
27 to enable, the continuation of pilot projects commenced pursuant to  
28 subsection b. of this section, and the commencement of new  
29 microplastics removal projects by system owners or operators in the  
30 State; and

31       (3) consistent with the recommendations contained in the report,  
32 and within the limits of funds appropriated to the department or the  
33 board for their purposes, establish incentive or other programs, as  
34 necessary to incentivize, promote, or facilitate the increased use of  
35 effective and efficient new and existing microplastics removal  
36 technologies by system owners or operators in the State.<sup>1</sup>

37  
38       <sup>1</sup>**[4.] 5.**<sup>1</sup> This act shall take effect immediately.