
Committee Meeting

of

SENATE ENVIRONMENT AND ENERGY COMMITTEE

“The Committee will meet to hear testimony from invited guests on reducing food waste and greenhouse gas emissions through food date labeling”

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: December 15, 2022
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Bob Smith, Chair
Senator Linda R. Greenstein, Vice-Chair
Senator Richard J. Codey
Senator Edward R. Durr, Jr.
Senator Jean Stanfield



ALSO PRESENT:

| | | |
|---|---|---|
| Eric Hansen <i>Office of Legislative Services Committee Aide</i> | Joseph Gurrentz, Ph.D. Dayna Mercadante <i>Senate Majority Office Committee Aides</i> | Rebecca Panitch <i>Senate Republican Office Committee Aide</i> |
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Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

Bob Smith
Chairman

Linda R. Greenstein
Vice-Chairwoman

Richard J. Codey
Edward R. Durr, Jr.
Jean Stanfield



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NEW JERSEY STATE LEGISLATURE

SENATE ENVIRONMENT AND ENERGY COMMITTEE

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**2ND REVISED
COMMITTEE NOTICE**

TO: MEMBERS OF THE SENATE ENVIRONMENT AND ENERGY COMMITTEE
FROM: SENATOR BOB SMITH, CHAIRMAN
SUBJECT: COMMITTEE MEETING - DECEMBER 15, 2022

The public may address comments and questions to Eric Hansen, Committee Aide, or make bill status and scheduling inquiries to Pamela Cocroft, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideSEN@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Senate Environment and Energy Committee will meet on Thursday, December 15, 2022 at 10:00 AM in Committee Room 10, 3rd Floor, State House Annex, Trenton, New Jersey.

The committee will meet to hear testimony from invited guests on reducing food waste and greenhouse gas emissions through food date labeling.

The following bill(s) will be considered:

Released/Sca
S418
Smith, B/Greenstein
Establishes standards for food date labeling; requires Commissioner of Health to establish public education program and promulgate guidelines related to food safety.

Released/Sca
S2186
Greenstein/Smith, B
Prohibits sale, distribution, or propagation of certain invasive plant species without permit from Department of Agriculture.

Released
S2712
Singleton
Prohibits sale, manufacture, distribution, and use of firefighting foam containing intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Released/Sca
S3153
Codey
Authorizes schools to receive and compost food waste from other schools, under certain conditions.

(OVER)

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| <u>Released/Sca</u> S3305 Smith, B/Ruiz | Requires BPU to allow low- and moderate-income residential customers to self-attest to income for participation in community solar programs. |
| <u>Released</u> *S3342 Beach/Turner | Appropriates \$17,288,315 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses. |
| <u>Released</u> S3361 Smith, B/Stanfield | Appropriates \$64.929 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects. |
| <u>Released</u> S3362 Greenstein/Codey | Appropriates \$53,249,310 from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs. |
| <u>Released/Sca</u> **S3379 Ruiz | Extends certain accommodations implemented during COVID-19 public health emergency for businesses participating in State economic development programs. |

FOR DISCUSSION ONLY:

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| S3256 Smith, B | Establishes "Electric Vehicle Battery Repurposing Fund" to support repurposing, remanufacturing, and recycling of electric vehicle batteries; dedicates amounts based on certain sales of electric vehicles. |
| S3372 Greenstein/Codey | Establishes "Electric Vehicle Battery Recycling Task Force" to study ways to safely store, reuse, recycle, and dispose of used electric vehicle batteries. |
| S3373 Smith, B/Stanfield | Requires manufacturers of electric vehicles to establish and implement electric vehicle battery management plans. |

Issued 12/8/22

*Revised 12/14/22 – S3342 added for consideration.

**Revised 12/15/22 – S3379 added for consideration.

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SENATOR BOB SMITH (Chair): It started out as an unruly group, but you've calmed down, and we're going to get some business done.

How many people are here for the bill that was sent to our Committee last night? It was in the Commerce Committee, but Commerce canceled its meeting, so we've been asked to take a quick look at it.

UNIDENTIFIED SPEAKER: S3379.

SENATOR SMITH: S3379.

Which extends certain accommodations implemented during COVID-19 public health emergency for businesses participating in the State Economic Development (indiscernible).

So, my understanding is that it extends the deadline for filing, I think, by a year. It's not stuff we normally do, but it doesn't -- it sounds like it's OK.

So, why don't we start with a roll call, just to let the world know that we really are here.

MR. HANSEN: Chairman Smith.

SENATOR SMITH: I am here.

MR. HANSEN: Vice-Chairwoman Greenstein.

SENATOR LINDA R. GREENSTEIN (Vice-Chair): Here.

MR. HANSEN: Governor Codey.

GOVERNOR CODEY: Here.

MR. HANSEN: Senator Durr.

SENATOR DURR: Here.

MR. HANSEN: And, Senator Stanfield.

SENATOR STANFIELD: Here.

SENATOR SMITH: OK, so, we're going to do some really (indiscernible), we're going to get into the really easy stuff first. (indiscernible)

So, we're going to do the easier stuff first, 20 minutes, to get them out of Committee, and then we'll start to get into hard stuff -- or, harder, more complicated stuff.

So, let's call 3379, Senator Ruiz, which extends these deadlines for filing.

I think BIA -- not BIA, Chamber of Commerce?

MICHAEL EGENTON: And, BIA, too.

SENATOR SMITH: OK, so we have two people coming up just to say how wonderful this bill is, and then we're moving on.

MR. EGENTON: Chairman, I was going to come up with NAIOP, but--

SENATOR SMITH: Oh, NAIOP, that's great.

OK, the two of you come on up.

MR. EGENTON: I know you want brevity, so.

SENATOR SMITH: The soul of wit.

MR. EGENTON: The soul of wisdom.

Chairman, thank you.

For the record, Michael Egenton, Executive Vice President, New Jersey State Chamber of Commerce.

To your words, Chairman, and members of the Committee, this will extend for another year regarding the Economic Opportunity Act, the tax incentives that I worked on back in 2013. It has a lot to do, Chairman, with, you know, the thresholds, which we reduced from 80% to 60%. But, still,

there's some challenges with employers. As that whole new world is changing -- hybrid work; getting people back to work; and so on, that continues.

So, certainly greatly appreciate the legislation companion bill sponsored in the Assembly by Eliana Pintor Marin, moved out of the Assembly (indiscernible) and is on the Assembly Board list today. So-- And, has bipartisan support.

So, I'll keep it short and fresh and ask Tony to chime in from NAIOP and Chris from BIA.

Thank you, Chairman.

ANTHONY PIZZUTILLO: Thank, you, Chairman, for hearing this bill today, and thank you, Committee -- Committee members.

My name is Tony Pizzutillo, I represent NAIOP, which is the office real estate industry.

As you well know, the office real estate industry across this country is in a crisis. And, as it basically reformulates and repurposes itself and realigns itself in a post- -- hopefully -- a post-pandemic era, what we face today is an attendance issue. Many of the awardees and employers in New Jersey would love to have their employees come back to their offices. But, right now, the labor market calls the terms.

Employees, in finding new jobs, want to know first whether or not they can work from home rather than what is their pay. So, as we go through this process, we are now faced with major employers in this state -- statewide -- 50 municipalities that are affected, that have Grow awards.

With the impending need to certify, by the end of this year, of whether or not they will have 60% of their employees in place for 2023. And, clearly, the answer is no. Anecdotally, we've found that attendance is

anywhere from 10 to 60%. And, so, as a result of that, we would then have employers essentially de-certified, no longer to be eligible for their award, leaving this state with a bad taste.

So, what this legislation does is it extends this COVID relief for one more year. And, it allows for, now, a 10% threshold -- not a 0% threshold -- as was under the executive order for 18 months. In addition to that, it requires that there would be a 5% subsidy set aside by the employer to EDA to provide grants to those small businesses that are suffering around these employment centers that currently do not have the multiplier effect in place.

So, it is critically important that we move this, Mr. Chairman, and thank you again for hearing this today.

C H R I S T O P H E R E M I G H O L Z: Thank you very much, Chairman Smith.

Chris Emigholz, the Chief Government Affairs Officer for NJBIA.

Good morning, thank you for considering this bill; thank you, Majority Leader, for sponsoring it.

NJBIA strongly supports this bill. I couldn't agree more with everything Mike and Tony well articulated.

One point I just want to just reiterate is these employers created the jobs that they promised the State of New Jersey and EDA that they would create. There's tax revenue coming to New Jersey based upon these jobs they created. We don't want to lose that, as Tony said. They've done what they did; they just need some flexibility. This bill gives them that flexibility to kind of get through that settling of the workforce; settling of the commercial office park market.

We don't know if that's going to happen -- no one knows. We've gone through an unprecedented shock to the system of our economy and health care, and this bill is giving some flexibility as we figure out how things settle down.

So, we appreciate this flexibility. Thank you for the bill.

SENATOR SMITH: Is that enough testimony?

Any questions from members? (no response)

Can I have a motion to release the bill?

Senator Durr, seconded by Senator Greenstein.

Let's take a roll call vote on S3379.

MR. HANSEN: Oh, and there are amendments, by the way.

SENATOR SMITH: Oh, (indiscernible)

MR. HANSEN: They just make it identical to the Assembly version.

SENATOR SMITH: OK, terrific. Moving the bill out, with amendments.

We have a motion and second. Let's take a roll call.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: Yes.

MR. HANSEN: Governor Codey.

GOVERNOR CODEY: Yes.

MR. HANSEN: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Senator Smith.

SENATOR SMITH: Yes.

The bill is released.

Can I do a couple before we get to the main event? A couple of relatively quick ones: first, 3361, Senator Smith, Senator Stanfield, bipartisan. Appropriates \$64.9 million from the constitution-dedicated CBT revenue recreation and conservation for DEP, for state capital park development projects. Terrific projects down there.

Let's one more time thank the voters of New Jersey for increasing the constitutional CBT dedication for open space as far as recreation. We have witnesses.

For the record, Anjuli Ramos New Jersey Sierra Club -- in favor, no need to testify. Allison McLeod, New Jersey League of Conservation Voters -- in favor, no need to testify. Hilary Chebra -- in favor, no need to testify. Ryan Berger, New Jersey SEED -- in favor, no need to testify.

It is the all-everybody coalition. Any questions from members?
(no response)

Motion to release by Senator Greenstein, and seconded by Governor Codey.

Let's take a roll call on the release of 33 -- I'm sorry -- yes, 3361.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: Yes.

MR. HANSEN: Governor Codey.

GOVERNOR CODEY: Yes.

MR. HANSEN: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Chairman Smith.

SENATOR SMITH: Yes.

And, the bill was released unanimously.

Next: S3362, Senator Greenstein and Governor Codey.

Appropriates \$53 million and change from the constitutionally dedicated CBT revenues to the DEP for state acquisition of lands for recreation and conservation purposes, including Blue Acres -- got to do more Blue Acres -- and Green Acres Program administrative costs.

And, for the record, Anjuli Ramos, New Jersey Sierra Club -- in favor, no need to testify. Allison McLeod from New Jersey League of Conservation Voters -- in favor, no need to testify. Hilary Chebra from the South Jersey Chamber of Commerce -- in favor, no need to testify. And, Ryan Berger from New Jersey SEED -- in favor, no need to testify.

Any questions from members? (no response)

All right, if not, motion to release by Senator Durr, second by Senator Greenstein, and let's take a roll call on 3362.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: Yes.

MR. HANSEN: Governor Codey.

GOVERNOR CODEY: Yes.

MR. HANSEN: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Chairman Smith.

SENATOR SMITH: Yes.

Bill is released unanimously.

Another one that I think is relatively straightforward and easy is S3305, Senator Smith and Senator Ruiz.

What it does is to require the BPU to allow low- and moderate-income residential customers to self-certify, self-attest, for income participation in the community solar program.

For the record, Doug O'Malley -- in favor, no need to testify. Anjuli Ramos, New Jersey Sierra Club -- in favor, no need to testify. Ben Haygood, from Isles -- in favor, no need to testify. Allison McLeod, New Jersey League of Conservation Voters -- in favor, no need to testify.

Elwyn Corby, Vote Solar and New Jersey Shines Coalition -- hold on, Elwyn. He didn't check the box "no need to testify," so we'll give him a chance.

Doug Hritz, South Jersey Industry Association -- in favor, no need to testify. Doug Hritz for Charlie Coggeshall -- written testimony submitted, no need to testify, in favor.

Eric Benson, apparently, wants to speak -- he's in favor. Dave Pringle and Charles Hughes.

OK. So, why don't we give Dave Pringle a shot. Let us not snatch defeat from the jaws of victory.

UNIDENTIFIED SPEAKER: I also just noticed it's an older version (indiscernible) other Garden State Conservation (indiscernible)

SENATOR SMITH: Oh, OK. Sorry, we'll get that one, too.

Go for it.

DAVID PRINGLE: Thank you.

Representing EmpowerNJ, I will be very short, but it is important to at least get a one-liner in, because this is a very important bill.

It's not just about climate; it's about environmental justice. Folks who are low income are disproportionately impacted by both climate and co-pollutants that come from climate pollution, so, it's especially important that we give those folks an opportunity to not only benefit financially, but from a public health perspective as well as a climate perspective. And, this bill does just that.

So, thank you for taking it on.

And, Elowyn is the expert on this issue.

Thank you.

SENATOR SMITH: OK, thank you.

Who -- are you -- do you want to speak?

E L O W Y N C O R B Y: Yes, I am.

SENATOR SMITH: And, you are?

MS. CORBY: Hi, I am Elowyn Corby with Vote Solar.

SENATOR SMITH: I am sorry, I didn't recognize that.

It's E-L-O-W-Y-N?

MS. CORBY: Yes. I know, it sounds like *Lord of the Rings*.

SENATOR SMITH: Ms. Corby, take it and run with it.

MS. CORBY: All right, perfect.

Thank you so much. I am delighted to have the chance to speak on this issue today.

Again, I am Elowyn Corby, I am the Mid-Atlantic Regional Director with Vote Solar. We fight for 100% clean energy transition that puts the interest, health, and well-being of people at its center. I am also here

representing the New Jersey Shines Coalition, a diverse coalition of community-based social justice, environmental, industry, and faith organizations united by a vision of a resilient and equitable solar-powered New Jersey that creates opportunities for everyone to thrive.

Again, I am grateful for the opportunity to speak today, to express both organizations' enthusiastic support for S3305, which would allow low- and moderate-income residents to self-attest their income for participation in community solar programs. We know, as Dave said, that the LMI communities and communities of color stand to benefit the most from the rate savings and public health benefits of community solar, and, yet, the barriers they face to participation can often be prohibitive.

Currently, in accessing community solar, LMI subscribers in New Jersey must show proof of their income, an often onerous process that can lead to feelings of embarrassment and decrease overall adoption.

Earlier this week, over 40 environmental justice, clean energy, labor, business, and faith organizations including members of the New Jersey Shines Coalition and the Clean Energy Jobs Coalition shared a joint letter expressing our strong support for S3305. These organizations understand that requiring our low- and moderate-income neighbors to jump through additional hoops to access clean energy, to exhaustively document their struggles in order to receive support, is at odds with our values.

So, instead, we are excited to be here with you all today to build our policy framework around believing and supporting disadvantaged communities and believing that people can and should be trusted to tell the truth about needing assistance.

This legislation is a step in the right direction, and I am very grateful to all of you today.

SENATOR SMITH: Thank you for your comments.

For the record: Alanna Jamieson from Solar Landscape -- in favor, no need to testify.

Eric Benson, Clean Water Action -- in favor. Are you here, Eric?

ERIC BENSON: Yes, I'm here; no need to testify.

SENATOR SMITH: No need to testify. I am going to check the other box. There you go, no need to testify.

And, then, Christopher Hughes, the Zita Group on behalf of Arcadia -- in favor.

Are you here? Good.

CHRISTOPHER HUGHES, ESQ.: No need, as you said, to snatch defeat from the jaws of victory.

SENATOR SMITH: Please.

MR. HUGHES: Chris Hughes with the Zita Group, on behalf of Arcadia, who is the largest manager of -- subscriber manager of community solar in the nation.

Arcadia thanks you, Mr. Chairman, along with Majority Leader Ruiz for sponsoring the bill and posting it for today, for much of the reasons that have been spoken previously.

We do support this; we believe it brings us in line with some other neighboring states as well. Delaware and Virginia both provide for self-attestation of LMI consumers. We believe that this will help BPU and the residents of the state have access to community solar moving forward, and lead to a greener economy and savings in their energy bills.

Thank you very much, Mr. Chairman.

SENATOR SMITH: Thank you for your comments.

Any questions from members? (no response)

(indiscernible) a motion to release 3305.

Senator Stanfield, and seconded by Senator Greenstein.

Let's take a roll call on the release of 3305.

MR. HANSEN: And, there are amendments -- just technical amendments.

SENATOR SMITH: Technical amendments.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: Yes.

MR. HANSEN: Governor Codey.

GOVERNOR CODEY: Yes.

MR. HANSEN: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Chairman Smith.

SENATOR SMITH: Yes.

The bill is released unanimously.

S3342, appropriated by Senator Beach and Senator Turner, appropriates \$17 million and change from the constitutionally dedicated CBT revenues to New Jersey Historic Trust for grants to serve historic preservation projects and associated administrative expenses.

And, again, thanks to the voters, again, for increasing the CBT dedication for those purposes.

So, we have slips. Hilary Chebra, South Jersey Chamber of Commerce -- in favor, no need to testify. And, Eric Benson, Clean Water Action -- in favor, but need to testify.

MR. BENSON: I would like to be brief; thank you.

SENATOR SMITH: Go ahead.

MR. BENSON: I know it's a very popular program, and it's -- we support all three bills that we moved today, dedicating these funds out of the CBT.

I always appreciate this-- My name is Eric Benson, Clean Water Action, New Jersey Campaigns Director. And, I always appreciate this Committee's efficient, interesting, and, I think, pretty robust meetings and agendas.

The Committee has a long history of supporting these CBT dedications on a bipartisan level. And, it is money that is very crucial for the Garden State, keeping it green; historic properties; Blue Acres; Green Acres. These funds are crucial.

The CBT, just, real quick, is Corporate Business Tax, and the voters did constitutionally dedicate some of this money that *has* to be spent on these programs. A couple years back, there was a CBT surcharge. It made the pot bigger so that we would have more money to spend on programs like these.

The CBT surcharge is set to expire December 31 of -- not this one, the coming, 2023. And, by -- unless that surcharge is extended, we're going to have a smaller pot of money to work from here. I implore this Committee to be active and involved and engaged and helping to renew that CBT surcharge. If you think about it, it's like the millionaire's tax for

corporations. These are the biggest, most profitable companies in New Jersey. Most businesses do not pay, or are not impacted by the CBT surcharge, and allowing this to sunset at a time of unprecedented corporate profits I think is a missed opportunity.

We need these funds. They're crucial, and, so, you have to appropriate the money. So, thank you for doing that today. I think the next step is making sure that, you know, we continue to have as big a pot as possible going forward.

So, thank you.

SENATOR SMITH: Absolutely.

Thank you for your comments.

Any questions from members on 3342? (no response)

All right, can I have a motion to release by Senator Durr, second by Governor Codey, and let's take a roll call on the release of 3342.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: Yes.

MR. HANSEN: Governor Codey.

GOVERNOR CODEY: Yes.

MR. HANSEN: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Chairman Smith.

SENATOR SMITH: Yes.

And, so, the bill is released unanimously.

And, we're kind of on a roll. So, I think our two longest areas of comment today are going to be on food date labeling and on electric batteries.

So, I'm holding those -- I hope the speakers for food date labeling don't mind us trying to knock a couple more bills out. Hopefully you're here for -- they're here, right? OK.

And, we have a lot of yes slips on a lot of the bills. I'd like to get them done, especially if there's going to be a question.

So, let's take a look at 2186, which is invasive -- it's Senator Greenstein's bill, and my bill -- it prohibits the sale, distribution, or propagation of certain invasive plant species without permits from the Department of Agriculture.

So, Anjuli Ramos, New Jersey Sierra Club and the New Jersey Forest Task Force -- in favor, no need to testify. Allison McLeod, New Jersey League of Conservation Voters -- in favor, no need to testify.

But, we do have some people who want to testify.

OK, so, Emile DeVito, New Jersey Conservation Foundation -- in favor.

Are you here, Emile? Do you want to say anything? I mean, you didn't check the "no need to testify."

E M I L E D. D e V I T O, Ph.D.: Yes, that's right. We are--

SENATOR SMITH: You want to testify?

DR. DeVITO: Yes, there are three of us representing the Forest Task Force that we wanted to -- we have a little -- we have an order.

Pat Shanley, Mike Van Clef, and myself.

SENATOR SMITH: OK; all right.

Did they put in separate slips? I've got one for you. Who was the other person?

DR. DeVITO: Patricia Shanley and Michael Van Clef.

SENATOR SMITH: OK, a panel. And, Mike Van Clef. Got it.

OK, come on up -- all three. You might need another chair.

And, everyone is in favor.

DR. DeVITO: Yes.

SENATOR SMITH: For the record, it is Michael Van Clef -- New Jersey Forest Task Force, Dr. Patricia Shanley -- New Jersey Forest Task Force, and Emile DeVito -- New Jersey Conservation Foundation.

OK.

PATRICIA SHANLEY, Ph.D.: OK. Let me go first.

Thank you very much for having us here today, Chairman, and for the Committee. We think it's really critical to talk about this.

I am a forest ecologist, I work in temperate and tropical forests.

I am on two global expert committees on forest and human health, and invasive species are really something we need to look at. They are a huge planetary threat; they diminish water quality; they're a hazard for human health; they endanger food security; and they're a leading cause of species extinction. And, forests are the main defense we have against climate change, so anything that degrades forest is really critical for our future.

Lyme disease is increasing--

SENATOR SMITH: By the way, is that a principle that the Forestry Task Force can agree on?

DR. SHANLEY: You know, I want to mention that I am speaking on behalf of 60 persons and organizations for the New Jersey Forest Task Force.

So, it's remarkable that we have reached this consensus. I work on global scientific task forces constantly, and it is much quicker than it is in New Jersey.

SENATOR SMITH: Just for the members' edification. If you followed the *Harry Potter* series, and you go to the last episode, where there's the ultimate challenge between Voldemort's forces and Harry Potter's forces. That is the best description of the Forestry Task Force that you can have. (laughter)

I'm sorry, Doctor, (indiscernible)

DR. SHANLEY: OK, that's fine. (laughter)

OK, thank you for mentioning that.

So, the global costs are like, on the order of, like, \$1.3 trillion over the last four decades. The costs rise by orders of magnitude if you don't take care of this early. So, for New Jersey taxpayers, we have to hit the ground running and really form this Invasive Species Council.

I think it's really important that you understand why these are dominating the landscape. So, I'm going to show you three species and why this is important.

OK. This is--

UNIDENTIFIED SPEAKER: (indiscernible) (laughter)

DR. SHANLEY: Yes, this is oriental bittersweet. It starts as a little thin filament, and it turns into this. It takes out the light from the canopy; it topples the trees in windstorms.

This one is the favorite. This is how it begins, that particular species. This is Japanese barberry. It is the favorite of landscapers. This one, just from your lawn -- and, it's on most school yards -- into the forest where it takes over and forms dense areas and it's no good food for native wildlife. So, that's a problem, OK. And, it's a tick magnet. These are all good habitats for ticks -- two times the number of infected ticks are on invasives, rather than native.

The third one you all know about because it's everywhere, the green little beetle that is attacking the ash trees. We are losing 25 million ash trees -- 9% of New Jersey's forest. What's going to happen to that area that is down -- invasive species. When you lose a tree, the first thing you invite in is invasives.

So, we basically-- I worked overseas for 15 years, I came back, and the forest was gone. When I used to know 50 wildflowers; now I need to know two, because we've got about 10 species that are dominating our landscape. This matters because those native species, the Leni Lenape used to nourish them; to heal them; and, for spiritual rituals. They're wiped out now. They're not completely wiped out -- if you put kids in the woods to pull the invasives, you can bring them back, OK.

So, what is essential right now: It's urgent that we do not kick this can down the road. We *have* to make the Invasive Species Council quickly. Fortunately, we have neighbors -- we have Pennsylvania and New York is stellar. So, we just saved a whole lot of money, and a whole lot of time. We're going to use that, and we have the phenomenal Friends of Hopewell Open Space Invasive Species Task Force. Mike Van Clef is here -- 15 years of already doing this work. So, we have a springboard on which to

move forward. There's existing models, like the Union County Adopt-a-Trail program; there's this strike force; they're all over. So, there's a lot of citizen effort on this already. So, it's really cost saving.

In closing, I have to say something for the students I work with, because youth are suffering massively with anxiety, depression -- 39% rise in youth suicides in New Jersey over the last decade. OK. These two problems can actually dovetail and help each other. Governor Murphy has a youth mental health initiative. Tammy Murphy has the K-12 climate change initiative. Both of them will be profoundly strengthened if we make things like the YCC, the Youth Conservation Corps, revive and expand. New Jersey can be globally relevant and get ahead of the pack instead of way behind the pack, as we are now. We're one of only five states not to have regulation on invasive species. That's a problem.

So, I think we should listen to-- Youth are transformed, and these forests become transformed at the same time. So, let's listen to Chief Mann of the Ramapough Lenape nation. He says, "The health of our forests reflect the health of our community."

Thank you.

SENATOR SMITH: Thank you for your comments.

(applause)

MICHAEL VAN CLEF, Ph.D.: Yes, so, I think the bill is fantastic. We're very appreciative that the bill has been introduced.

I will be relatively brief. I think there's one major addition that would really help it and make it a more durable effort moving forward. And, that is the establishment, or reestablishment, of the New Jersey Invasive

Species Council that was established from 2004 from an Executive Order by Governor McGreevey, and disbanded approximately 10 years ago.

But, a council would include all of the state entities that are mentioned currently in the bill. But, it would also include a nursery trade; it would develop conservation groups; experts; botanists; that are able to evaluate, create an evaluation system -- or borrow an evaluation system -- from New York and New Jersey -- New York and Pennsylvania. And, have a really transparent process.

The one problem with sort of just saying, "Here's a list," is -- it's hard for anyone to know, including the trade in particular, to know why. Protocols have been established by New York in transparent decision trees. Really clear, concise methodologies to really evaluate species. So, the group of species that are in the bill now, it's fantastic. They're all really bad actors in our natural areas, but there's many more that need to be evaluated.

And, you know, the Task Force is basically suggesting that the best way to go about that is to reestablish the council, have it have a diverse membership from state actors and non-state actors, and create a transparent system. And, you know, just -- I think it's important to emphasize the need to be reasonable, you know.

And, I think -- I know the trade, one of the things that's important to the trade is having sterile cultivars. So, that nasty Japanese barberry, there is a sterile alternative for that that will not spread from people's yards and into the woods. That's great.

You know, phase-out periods could be considered. And, I think this was something that would be considered by a council, but we can come up with ways that we're protecting our natural lands without having harm to

the industry itself, you know. And, I think if we're reasonable about it, we can make a lot of progress, because we are quite far behind the rest of the country on this issue.

SENATOR SMITH: Thank you.

Emile.

DR. DeVITO: Yes, thank you again for the opportunity to testify.

Emile DeVito, New Jersey Conservation Foundation and the Forest Task Force. New Jersey Conservation is one of the co-chairs, along with New Jersey Audubon and Sierra Club, and the New Jersey Forestry Association.

We've submitted paperwork to your office. They're almost -- actually, everybody on the task force, there were no dissenters regarding this process that Mike has been talking about. And, there are, just, volunteers champing at the bit waiting to have instruction from the task force of the best projects to work on to evaluate emerging, invasive species that are not even here yet, or just arrived, so that we can make sure that we don't end up with new species like Japanese barberry, as new species keep arriving, you know, through the ports and on the back of peoples' campers and that kind of thing.

I just want to mention that we need to not just worry about plants, we need to worry about all vertebrates; invertebrates; like species of fish or species of mussels; pathogens; fungi. Invasive species take many forms. So, the Invasive Species Council would consider all of those things.

Two quick stories: There's a species of fish called big head carp. They spend millions of dollars trying to keep big head carp from making it through the canal from the Mississippi River drainage into the Great Lakes.

And, every time there's a power failure and the electrical barrier shuts off, they worry that they're going to end up having a multi-million dollar problem on their hands in the Great Lakes.

We have big head carp in New Jersey. They were brought in at a fish farm in Hunterdon County. And, New Jersey Conservation Foundation worked very hard to try to eliminate the big head fish. But, they probably got out before we purchased the property during one of the hurricanes, and so their DNA is now being found in a few isolated places in the canal and in the Raritan River.

So, we have techniques now, but we need -- if we have this Invasive Species Council and the plan is revamped, that opens up the availability of really huge grants from the Federal government. Right now, we can't get those things, because we don't have a council and we don't have a plan. And, it won't take much to reestablish the council and revamp the plan to take into account what's happened in the last 15 years or so since there's been no council.

So, that's what we need. So, the bill needs amendments, but we don't want to hold up the bill. We just want to make sure we get all the amendments in there before it gets to the final vote and, you know, that's -- and, it's also an incredible environmental justice issue. There's Japanese knotweed, which is taking over our big rivers and all of our urban areas, making our parklands less accessible to people, and, so, biological control of species like that could be accomplished by the Alampi Lab of New Jersey's Department of Agriculture. They do incredible work. So, we just need a bigger and better system, opening up access to Federal funds, enabling all

these conservation groups and volunteers to charge out into the forest and start to solve this problem.

Thank you.

SENATOR SMITH: Great; stay there.

Senator Greenstein.

SENATOR GREENSTEIN: You made a really good case for this council, so I think we'd like to add that into this and make it an even stronger bill.

But, after listening to you, I'm really glad to be part of this bill. It seems extremely important.

Are there any other amendments that you would suggest?

DR. DeVITO: I'm not sure if it's necessarily amendments. We've delivered quite a long set of instructions to the Office of Legislative Services. I don't know if everything would be, necessarily, amendments, or just things that the Council needs to be charged to do.

So, we can take a closer look at that and work with, you know, your staff to see if there are other actual amendments that need to be spelled out.

You might have other thoughts on that.

SENATOR GREENSTEIN: There were some amendments today.

MR. HANSEN: Yes, three. Do you want me to read them?

SENATOR SMITH: Please.

MR. HANSEN: OK, so the Committee amendments would add the tree of heaven to the definition of invasive plant species. They would require the Department of Agriculture to adopt criteria to exempt specific

cultivars of otherwise invasive species, if the cultivars prove to be non-invasive due to genetic traits. And, they would clarify that the bill would not impose any liability on news media, but accepts advertising for an invasive plant species.

SENATOR SMITH: So, let's talk about procedure.

Does anybody believe that the reactivation of the Invasive Species Council is a bad idea?

We should do it.

SENATOR DURR: Chairman, I would just be curious -- I had a couple questions.

SENATOR SMITH: Sure.

SENATOR DURR: Do they -- do you guys know how many invasive species are in New Jersey, as of now? Is that what the council would determine?

DR. VAN CLEF: Yes, I mean -- so, I'm part of -- the Program Director for the New Jersey Invasive Species Strike Team, that's part of a nonprofit entity. We have a technical advisory committee; we look at species every year; we do a review.

We suggest that there are, approximately, 200 plants that are either widespread, emerging, or potential.

SENATOR DURR: Now, are these all harmful? Is there any non-harmful invasive species?

DR. VAN CLEF: So, when we -- I don't know how much time you want to take up -- but, if it's widespread, it's considered as harmful--

SENATOR DURR: It's automatic--

DR. VAN CLEF: --and very active and out there everywhere, so to speak.

Emerging, we also consider to be highly threatening and, maybe if not everywhere yet. And, then, watch potential: We're not sure; we're not sure where it's going to go.

SENATOR DURR: And, will this council also be able to help determine how these are getting in here?

DR. VAN CLEF: Yes, I mean, for the most part it's purposeful introduction. But, there are many species that are accidentally introduced.

SENATOR DURR: Personal -- you mean more like your landscapers, and stuff like that?

DR. VAN CLEF: Yes, they're--

SENATOR DURR: Like a Home Depot or a Lowes.

DR. VAN CLEF: Sure, sure.

And, then, there's also about 90 or so other -- I'm a plant person, so I say there's plants and there's non-plants -- there's 90 non-plants. So, that could be invertebrate animal, a fish, a pathogen, etc.

So, we're talking about a universal effect. At this point, we think it's about 300 species, 200 of which are plants.

SENATOR DURR: All right, yes, I think the council would be good to--

SENATOR SMITH: So, let's talk about that.

We had a hearing, I think it was -- it may have been the last one -- where we all agreed that the bill should be amended. But, OLS did not feel authorized, so we ended up sending it back to second reading for the purpose of the amendment and, basically, slowing down the bill a lot.

Can we agree that we should -- we don't have to see the word-by-word -- we want to see this council reactivated or re-set up for all the purposes previously done. And, we want to have OLS staff just add it into the bill. We're agreeing to the concept of the amendment, but then it gets in the bill without going back to second read.

SENATOR DURR: Yes, I think we should.

SENATOR SMITH: Is that OK with everybody?

OK, so, we're all good -- any questions, any other questions for this panel? (no response)

We have a couple other witnesses and, again, please do not snatch defeat from the jaws of victory.

Linda Bush, (*sic*) Native Plant Society of New Jersey -- in favor.

L A U R A B U S H: Thank you, Mr. Chairman, and members of the Committee.

It is an honor to be here today to testify.

My name is Laura Bush, and I am here representing the Native Plant Society of New Jersey. We're an all-volunteer statewide nonprofit founded in 1985 with over 1,200 members, and our mission is to promote the appreciation, protection, and study of New Jersey's native flora.

I am basically here to reinforce all the testimony that's already happened. Our organization strongly believes that we need a ban on invasive plants, and we have previously written letters in support of the current version of Bill 2186. But, we do also support expanding its scope, and strongly endorse the formation of the -- or, the reinstatement of the Invasive Species Council.

SENATOR SMITH: Great.

MS. BUSH: We think it is particularly critical to make it more flexible to meet emerging threats, to the points that Mike Van Clef meant of not just having a static list, but having a very nimble process to address emerging threats.

And, we have, indeed, also -- the Native Plant Society of New Jersey has signed onto the proposal submitted today by the members of the New Jersey Forestry Task Force who just testified.

SENATOR SMITH: Terrific.

MS. BUSH: And, to the point that they have already made, the Garden State is way behind on this issue. We're one of only five states in the country that don't have legislation banning invasive species, and, critically, we're behind our neighbors. So, we are contributing massively to the problem while our neighbors are trying to control it.

And, they mentioned that invasive plant species are a serious environmental problem. And, as they explained much better than I can, when we plant invasive species in our gardens, they don't stay in our gardens, and that's what so many people don't understand. They spread into the surrounding fields and out-compete and crowd out native species.

You know, the tree of heaven, which was mentioned as an addition to the bill, is a primary host to the spotted lantern fly, which, as we all know, is a major threat right now in New Jersey, threatening trees like our red maples and black walnuts, and threatening agriculture -- threatening our viticulture industry here in New Jersey.

And, they talked already about Japanese barberry. It's all over the woods -- for anyone who ever goes hiking, you just see it everywhere, and

it's all over my neighbors' lawns as well. And, it, indeed, is a major harbinger of ticks that carry Lyme disease.

Dr. Shanley also mentioned the threat from native vines, like non-native wisteria, English ivy, oriental bittersweet. They climb up our native trees, they grow very, very fast, they block them from accessing the sunlight, and then end up killing them.

The other point I just want to make, perhaps from a more layperson's point of view, is that a lot of people don't really understand why it matters if the plants that are out in our fields and woods are native or non-native. People might think, "Well, it's green, it's growing, what does it matter?" And, a simple explanation is evolution. Because our native flora have co-evolved over millions of years with native plant species. It's not something where they can turn on a dime. You know, when we introduce things over a couple decades, insects and birds can suddenly adapt -- they can't. So, many insect species will only feed on very specific native species. The classic example that people have been learning about in recent years is the monarch butterfly. The monarch butterfly's caterpillars can only feed on milkweed plants. If a monarch butterfly gets full then lays her eggs on another plant, her caterpillars will not survive.

So, critical -- so, it's critical to have native host plants, is the term that's often used. And, I get it that a lot of people, apart from maybe the butterflies -- people have trouble getting excited about insects, right? But, insects are so critical to the ecosystem, and when we lose insects, for example, we lose birds. So, a lot of adult birds can feed on seeds, but more than 90% of bird species -- and, I believe the number is actually closer to 97 or 98% -- will only feed insects to their young. So, again, no insects -- no birds. The

population of North American birds has dropped nearly 30% since 1970, according to data from the Cornell Laboratory of Ornithology.

So, what I like to say when I'm talking to friends and neighbors about this is having a garden full of non-native or invasive plants -- or a garden, or a woods, or a field? It's almost like if we went to a buffet or a supermarket and they were full of plastic plants. It looks pretty, but can you eat it? Can you raise your young on it? Obviously not.

So, we desperately need a ban on the sale of invasive species, and the public doesn't understand. They will keep buying and planting them with having no idea what the impact is as long as they are available. So, we need to stop selling them. I made the same mistake before I learned.

The Native Plant Society of New Jersey has provided support to the Department of Agriculture for the New Jersey Natives Initiative, which we think was a great initiative. But, of course, that initiative is not enough. As I'm saying it, as long as the plants are available, people will keep buying them, and they'll keep spreading. It needs to go hand in hand with a ban on invasives.

So, we believe, as some of the other members have testified, that we can help the nursery trade make a successful transition away from the plants that are bad for the environment, towards plants that are good for the environment, ones that belong here, and ultimately even boost sales for nurseries and ensure both a thriving nursery industry and a thriving ecosystem.

Thank you.

SENATOR SMITH: Thank you, Ms. Bush.

Ed Wengryn, New Jersey Farm Bureau -- in favor.

Ed, are you here?

UNIDENTIFIED SPEAKER: He had to leave to go to the other hearing.

SENATOR SMITH: Yes, a lot going on.

But, anyway, Farm Bureau was in favor.

Ben Graziano and Lori Jenssen, New Jersey Green Industry Council.

BEN GRAZIANO: We'll be very brief.

Ben Graziano and Lori Jenssen from the New Jersey Green Industry Council.

We wanted to say thank you. We were instrumental in trying to get those amendments that you read into the record earlier, so we wanted to thank the Senator and her staff and the majority office staff for all their work. And, we're here to be a resource moving forward.

LORI JENSSEN: Hi.

SENATOR SMITH: And, in the list of people -- everybody should send a list of people who should be on the council so that we can get them to the Governor's office and have a nice list of people to choose from.

MR. GRAZIANO: Chairman.

MS. JENSSEN: Yes.

And, that's-- Lori Jenssen. The hat I'm wearing today is a Board Member of the New Jersey Green Industry Council.

So, again, just wanted to thank you for the support, especially for that amendment, and looking forward to working with you and other stakeholders to push this process forward.

So, thank you.

SENATOR SMITH: Tom Knezick -- last witness -- in favor, New Jersey Nursery and Landscape Association.

Tom.

T O M K N E Z I C K: Yes, hello, I am Tom Knezick from the New Jersey Nursery and Landscape Association.

First, I want to thank the sponsors for bringing this bill forward. It really is something that we feel is necessary at this point in time.

And, as New Jersey's largest agricultural sector, we just wanted to make sure we had a voice as this continues to move forward. It sounds like you want to approve an Invasive Species Council, and we just want to make sure we have a seat at the table, because it does affect our livelihoods at the end of the day.

But, overall, our membership is in favor of this bill.

Thank you.

SENATOR SMITH: And, send in your cards and letters, indicating that you have somebody who should be on the Invasive Species Council.

MR. KNEZICK: Will do.

SENATOR DURR: Chairman?

SENATOR SMITH: Yes, sir; Senator Durr.

SENATOR DURR: Can we also agree, though, that this council is advisory, not -- the laws be left to us, the legislators, that they cannot impose laws?

DR. DeVITO: Yes, I have a comment, I think.

SENATOR SMITH: Sorry, Emile DeVito. Do you have a comment?

DR. DeVITO: So, one of the things that the council would have to do is, when a new species is identified as a threat, the council would have to be able to add it to the list. These things, they multiply by the dozen--

SENATOR SMITH: Well, what I think Senator Durr is afraid of is that -- and, it would never happen -- but you'd get people out of control and everything gets named. Why not they make recommendations to the DEP?

Does the bill allow the DEP to expand the list?

DR. DeVITO: Yes.

SENATOR SMITH: So, let's have as advisory--

SENATOR DURR: Yes, I see the DEP is an appointed administrative office.

I don't want to see the council, like you said, just start naming things.

SENATOR SMITH: Not that it would happen. Right?

But, the moral of the story is the DEP always should be weighing in on stuff like this. So, they would make recommendations to the DEP, and then the DEP, by rule or regulation, would add something to the invasive species list. That's a process that should be legitimate, right?

UNIDENTIFIED SPEAKER: Yes, it would be to the Department of Agriculture in consultation with the DEP, but--

SENATOR SMITH: Yes, that works.

Good. I think that's everybody.

Questions from senators? (no response)

So, we have -- we have the amendments that were described, but we also are releasing it with the amendment that would be drafted to

reestablish the New Jersey Invasive Species Council, all right, and that they'll be advisory to agriculture and DEP.

A motion?

SENATOR DURR: Move the bill.

SENATOR SMITH: A motion -- second by Senator Greenstein.

Let's take a roll; call a vote on 2186.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: Yes.

MR. HANSEN: Governor Codey.

GOVERNOR CODEY: Yes.

MR. HANSEN: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Chairman Smith.

SENATOR SMITH: Yes.

The bill is released unanimously.

There's a couple other that I think are pretty straightforward, but I don't want to lose some of our speakers who are attending remotely.

So, we're going to go to one of the main events today, which is 418, by Senator Smith and Senator Greenstein, which establishes standards for food date labeling; requires the Commissioner of Health to establish a public education program; and promulgates guidelines related to food safety.

By way of background, this bill was considered four years ago in 2018. And, by the way, the reason -- this is, like, the fifth bill in a food insecurity package. What we're trying to do is not waste food. Our country

wastes 40% of the food that's on its plate, which is a tragedy both for the food insecure, but also a tragedy for the environment, because this food waste ultimately gets into leaky landfills, produces methane gas, which has 30 to 80 times the impact of CO2.

So, we really want to stop wasting food and do a good thing for our citizens. The milieu is confusion about what date label -- what they mean, the date labels, what they mean. There were many more -- in 2018, there were many more alternative labels, and you read them, and you could have a Ph.D. in food science and you'd say, "What does that mean?"

So, the date labeling that we're talking here is "use by" or "freeze by," and that date means that after that date, it's not safe. And, the other one is "best by," or "freeze by," and that's saying that the food is at its maximum flavor potential on this date, but it's still good and edible food, all right.

And, those labels -- by the way, which have been adopted by many of the trade organizations -- make all the difference in terms of food being donated from supermarkets to food banks. And, there's also a liability provision so that we're making sure that nobody is in harm's way on this legislation.

We have a number of terrific witnesses who we're going to start with, and they are on -- I need my list again.

So, let's start the discussion. These are three invited speakers, but we have a pile of people who want to speak, and we're going to hear from everybody.

So, Dana Gunders, the Executive Director of ReFED, and a Principal at Next Course LLC.

Dana, are you out there? There's Dana.

OK, Dana, if you would, we'd love to hear what you have to say about this legislation.

DANA GUNDERS: Thank you so much, Senator.

Would it be possible to share my screen? (indiscernible), it's telling me it's disabled.

UNIDENTIFIED SPEAKER: OK, we're going to check on that.

MS. GUNDERS: OK, I can get started while they're checking, if that's more efficient.

SENATOR SMITH: Sure.

MS. GUNDERS: I'll quickly just introduce myself.

My name is Dana Gunders, I am the Executive Director at an organization called ReFED. We are a national nonprofit that is entirely dedicated to reducing the amount of food that goes to waste around the country.

And, we do this by focusing on providing data and insights by working with investors and foundations to bring more capital into the (indiscernible), and by sponsoring a community of practitioners that engages businesses, policymakers, and others to take action on the issue.

So, thank you so much for inviting me to speak today.

I'll start by just sort of framing the biggest -- the biggest picture around this issue. And, that is that in the year -- the U.N. and others have predicted that by 2050 we will actually need about 50% more food than we have today to feed our growing population and changing dietary preferences. At the same time, a recent paper from Stanford estimated that our agricultural productivity has already decreased by about 21%. So, we have

increasing needs and decreasing productivity at the same time. And, therefore, the question becomes, “Where will the food come from?” Will we grow -- will we use the food we already have, or will we cut down more rain forests and native grasslands to further our footprint of agriculture?

And, wasting our food offers a really good opportunity to start to address that growing need. We estimate that about 24% -- about a quarter of that future need -- could come from simply cutting the amount of food that we waste in half. Around the world, about a third of the food goes to waste -- about a trillion dollars -- and, in the U.S., it's about 35 to 40%, valued at \$400 billion worth of food. This has huge resource implications; about 4% of U.S. greenhouse gas emissions -- equivalent to about 58 million tons worth -- are from the footprint of wasted food in addition to water, land, and then, to add insult to injury, food is actually the Number 1 product entering our landfills today.

For New Jersey, we actually have estimates for the State of New Jersey. They are modeled estimates, but we estimate that about 3.3 billion pounds of food go to waste in the state of New Jersey alone, worth \$10 billion. And, the greenhouse gas footprint of that food is the same equivalent to about 1.4 million cars -- taking 1.4 million cars off the road. To give you a sense. Now, you may ask why -- why is this such a greenhouse gas issue? It doesn't necessarily make intuitive sense, but we think we have the same footprints. But, there are really three reasons why.

The first is that when food goes into landfills, it produces methane. It's actually one of the biggest drivers of methane from landfills. Landfills are the third largest source of methane, and methane is a greenhouse

gas 80 times more potent than carbon dioxide in the short term. That's the first connection.

The second connection is that it takes a huge amount of resources and a big (indiscernible) footprint to grow, harvest, sort, transport, cool, cook all of the food that comes to our table. And, when we are throwing that out, it's really kind of for naught, and it's leading to an overproduction of food to begin with.

Lastly, that land-use component that I mentioned. Food is -- food and agriculture are one of the driving forces of deforestation and other land (indiscernible) today. And, so, when we are unnecessarily increasing our footprint by saving overdemand to wasting food, we are leading to that footprint as well.

Can I pause and just check in on the technical side? Oh, it looks like I can share now, so I will do that, and I'll just run through -- you're lucky we got through a few slides before we got here.

OK, so here's (indiscernible) the state (indiscernible) connection. In fact, one research group called Project (indiscernible) has estimated that reducing food waste, out of 93 solutions that they looked at, reducing food waste is actually the Number 1 mitigation opportunity, with about 10 times the potential mitigation opportunity of converting car fleets to electric vehicles.

And, one thing that also distinguishes food waste as a climate opportunity is that it is available now. A lot of the opportunities we're looking at are investments that will only start to save greenhouse gases five to 10 years in the future. But right now, today, if a pound of food does not

go to the landfill, it reduces the amount of methane that goes into the air, and therefore it is available today.

In addition, we were just talking about the invasive species and biodiversity. Reducing food waste actually has the potential to reduce biodiversity loss by 17%, and land use by about 9%, (indiscernible) in Arizona, and water use by about 11%.

It also provides an opportunity when businesses and communities start to take on food waste to capture some of that food and get it to people. We estimate that, around the country, efforts to cut food waste in half would lead to about four billion additional meals into the food assistance world.

So, all of that put together creates this huge opportunity, and that is why the U.S. government, as well as international -- the U.N. and other international institutions -- have adopted this goal of cutting food waste in half by 2030. It's important when you think about that, to sort of understand a lot of times when we talk about food waste, people jump to the idea of composting. Composting is a fantastic thing to do. Food scraps that have nothing else to be done with them. But, the EPA has established this hierarchy that -- it's kind of like the reduce, reuse, recycle for food waste. And, that is, "Let's try to prevent the waste from happening in the first place -- the surplus from happening in the first place." And, then, if we have surplus, then let's use it to feed people; and if not people, then animals; and, only then we'll go to things like composting before it goes to landfills.

One of the challenges is they have these goals that were really not reducing surplus food fast enough. Our estimates show that it increased until about 2016, and then has leveled off. And, when you look at it per

capita, it has decreased by about 2% but not more than that. Nevertheless, there is -- we looked at a plan for action, and we look at all of these different solutions. We've actually analyzed 42 different solutions to food waste. And, one of those is standardizing date labels.

If you'd like to look at our analysis, *reFED.org* has it; if you go to something we call the Insights engines, that has extensive analysis on the solutions, what state policies are out there across different states. But, one of our top-10 solutions when it comes to greenhouse gas emissions and solutions that are really good at greenhouse gas emissions is standardizing date labels. So, let's talk about that a little bit.

When we look at food waste around the country, households are actually the largest source of food waste, representing about 37%. I believe in New Jersey it's even higher, it's closer to, like, 47%, because there's not -- some of the other sectors don't have quite the footprint. Within households, date-label concerns represent about 7%, 4.5 billion pounds around the country. In New Jersey, we estimate that food thrown out by consumers due to date-label concerns only has up to about \$267 million worth of food. That's in the State of New Jersey.

It is also a big issue for grocery stores. Now, not everything in the food date labels concern (indiscernible) would be dropped through standardizing date labels, but these products are being removed off the shelf before they hit their date, in part because people don't understand the dates on the food.

So, let's just kind of go over a little bit of the details around date labels that Senator Smith mentioned at the beginning. First of all, the vast majority of date labels -- and, we're talking about "best by," "use by," "sell

by,” “enjoy by,” and the many permutations of those phrases -- they are not about -- they say they are really about quality. They came from a desire by consumers to know how fresh their food was back in the '70s, and they oftentimes arrived at through, let's say, a focus group, a consumer focus group. A yogurt company gets 10 people in a room and has them rate the taste of a product when it's one day old; five days old; 10 days old; 15. And, once that's completed, you know, when the average score drops below 7, that's the day's date they pick from. So, oftentimes, it is about quality.

These dates are not Federally regulated, nor are the time frames around them. This leads consumers-- States have come up with a whole -- every state has their own regulation around this these days. Some have none; some have very specific; some are only for certain products. It's a complete matrix. And, the matrix has really led consumers to misinterpret the dates around food. And, part of that misinterpretation is that they are about safety. A lot of people think that food -- we're telling them to throw things out. And, they prematurely are discarding that food. And, that's what's leading to that \$2 million-plus worth of consumer food waste just as an issue in New Jersey.

But, the problem is that because there is no regulation around the use of these phrases, consumers have no way to know if the date is about safety or is not. There are a handful of products -- it is a small subset -- but, there's a small percent of products for which there is some kind of increased risk where you consume it. The problem is, when you pick up, you know, product X, and you see any date on it, you have no way of knowing right now whether or not it is about safety. And, no one has any way of educating you on that, either, because there are no legal definitions associated with these phrases.

Now, there are some voluntary initiatives I'll mention. A state cannot guarantee full compliance. And, without full compliance, we can't go out there and say, "Hey, if you see these words it's about safety, and if you see these words, it's about quality, and you can feel comfortable eating it after." Because, just a few exceptions could lead to trouble.

So, you know, there is quite a bit of confusion, and I'll actually leave this to Tori, who is following me, to jump into. But, many consumers are experiencing this confusion.

So -- excuse me -- the industry has adopted voluntary guidelines to go to a two-date system. However, it's not clear how well the compliance is going with that. So, in 2019, the Consumer Brands Association, which represents a lot of the large manufacturers in the country, said that 87% of all their products were actually meeting those two-date guidelines. However, at the same time, there was an academic study conducted by Ohio State, and they found there was only about 35% compliance with the voluntary initiatives to go to that two-date standardized system.

Other activity that has happened recently: There have been three Federal bills introduced over the past few years. None have gotten very far. More recently, this year, we've actually seen an effort in the U.K. to remove dates entirely. And, in fact, one company there has even done this on their milk. And, the other evolution we've seen is that more and more brands are getting behind the idea of date-label standardization. They themselves are going to it. You have companies like General Mills and Unilever, who have recently announced that their full suite of products have converted to those two-date systems. And, so, they are really kind of

supportive of the idea of going to the two-date system, and we've seen that more and more.

So, just to close here, I'll say that I think that the time is very ripe for a legislation like this. While it's been introduced Federally, it has really not made it very far, and we are really hoping (indiscernible) to pass a law like this and really could get the movement and momentum going naturally. But, no state yet has passed a law like this, so it would set real precedence if New Jersey were to pass this law. It plays a key role in consumer protection, helping consumers distinguish when there is truly some kind of elevated risk around their product.

It helps stretch food budgets, and in that sense there is an equity concern as well. Several studies have shown that there is no difference between lower-income households and higher-income households on how much food that they waste -- the percent of food that they waste. So, helping lower-income households especially understand the meaning behind these dates and (indiscernible) help them stretch their food budget.

And, lastly, I will say that it can help to achieve (indiscernible) mitigation efforts for the State as well.

With that, I will close and take any questions.

Thank you very much.

SENATOR SMITH: Thank you very much for your presentation.

Are there any questions from the members for Dana Gunders?
(no response)

OK.

Our next speaker is Tori Oto -- O-T-O -- who is a Clinical Fellow at Harvard Law School Food Law and Policy Clinic.

Mr. Oto -- sorry -- Ms. Oto, we would love to hear what you have to say on the topic.

T O R I O T O: Members of the Environment and Energy Committee, thanks for the opportunity to provide testimony in support of Senate Bill 418.

My name is Tori Oto, I am a (indiscernible) attorney at the Harvard Law School Food Law and Policy Clinic, or FLPC. At FLPC, we work with partner organizations and communities, providing them guidance on cutting-edge food system issues while engaging law students in the practice of food law and policy. FLPC focuses on increasing access to healthy foods, supporting sustainable production and regional food systems, and reducing waste of healthy, wholesome food.

And, we have identified that standardizing date labels and educating consumers about the meaning of those date labels, (indiscernible) waste consumption.

So, today, I'm going to talk through a few points about food waste and date labels and start with some background, a little bit more detail, on what food labels are how they are currently regulated Federally and in New Jersey. We're going to walk through a few problems on the way we regulate food labels now, including the environmental harms associated with food waste, (indiscernible). And, then, I will walk through the provisions in S418 and then circle back to the problems that I previously identified with the existing date labeling and demonstrate how S418 will mitigate those concerns.

SENATOR SMITH: So, let me interrupt you for one second.

I love technology, but I hate technology. Your voice is not clear.

Is there anything that you can do on your end, like--

MR. GURRENTZ: Headphones, or a microphone--

SENATOR SMITH: Headphones or a microphone?

Or, am I just crazy here?

MS. OTO: Let me try headphones

MR. GURRENTZ: (indiscernible)

SENATOR SMITH: What's that?

MR. GURRENTZ: She might need to switch the audio real fast.

MS. OTO: OK, are you able to hear better now?

MR. GURRENTZ: A little bit.

SENATOR SMITH: A little bit.

MR. GURRENTZ: (indiscernible)

MS. OTO: OK.

UNIDENTIFIED SPEAKER: Could be the acoustics.

MS. OTO: All right, am I quiet? Do I need to speak louder?

SENATOR SMITH: No, it's kind of a fog in the background.

MR. GURRENTZ: (indiscernible)

UNIDENTIFIED SPEAKER: It could be the acoustics in the room. It's probably the best you're going to do.

MS. OTO: OK; sorry about that.

SENATOR SMITH: (indiscernible)

MS. OTO: OK, so, jumping back in, I'm going to start with some background on what date labels are and how they're regulated Federally and

in New Jersey. So, you might be familiar with this, but for anyone who isn't, I just kind of want to establish that baseline.

So, on the Federal level, there are no Federal laws that regulate date labels, except for infant formula. The USDA and FDA have some authority to ensure food safety and to protect consumers from deceptive labeling, but, so far, that's only really resulted in a minimum amount of guidance.

As a consequence of that, it's really left to the State to regulate date labels, and there's just a patchwork of different rules and regulations that vary state to state.

So, in New Jersey -- New Jersey actually has very limited date-label requirements, and they're just only for dairy and shellfish. For shellfish -- for raw shellfish -- it must have a "sell by" date, and for dairy, our fluid milk products need to have either a "not to be sold after" or "sell by" date. But, all other food, there's no real requirements.

So, what is the result of this, you know, (indiscernible) Federal and State regulations? Well, the main thing that we see is a lot of manufacturers' discretion in how they choose to label their food products. So, in New Jersey -- like in many other states -- most foods they don't have any date-label requirements. One Walmart study found 47 different date-label phrases in use. And, naturally, that leads to a lot of consumer confusion. And, because manufacturers have so much discretion, they choose the date for their labels based on the product's quality and not the product's safety. And, so, after this date passes, usually, the food is still perfectly safe to eat; it might just diminish slightly in quality.

So, now that I've given an overview of how date labels are regulated, let me talk about a few problems we see with how that regulation (indiscernible). And, the main problem is consumer confusion. Again, most date labels are about quality, not safety, that consumers assume that dates are about food safety.

In one 2016 nationally representative survey, 84% of consumers reported that they *occasionally* throw away food when it's close to or past its date label, and a third of consumers say they *always* or usually throw away food when it's close to its date. Again, this means consumers are just throwing away food on their mistaken belief that it's unsafe to eat. This is a problem, because people are getting less out of the money that they're spending on food, and while food prices are rising, according to the USDA's Economic Research Service, they predict that within 2022, our food prices are going to rise 10.5% and, even more drastically, at-home food prices are expected to increase by up to 12%. This is a problem not only for every consumer, really, but it's particularly grievous for people who are experiencing food insecurity.

In New Jersey, around 7-9% of households lacked consistent access to a sufficient amount of food to live an active and healthy lifestyle. It is even worse for Black and Hispanic households -- in New Jersey, about 17% of Black and Hispanics are food insecure. So, people experiencing the food insecurity, you know, they deal with the same problem of discarding food on the mistaken belief that date labels communicate safety.

But, even beyond that, confusing date labels are also the reason that food businesses throw away their surplus food rather than donate it to food-recovery organizations. And, then, on the other end, when food-

recovery organizations will eat food near or past the quality date, they are also uncertain whether they're allowed to donate that food.

I am going to pause for a second. Maybe if I open my door it will, like, help with the echo. One second.

OK, hopefully this is a little better.

OK, so, another problem with the way that we regulate date labels -- and, Dana spoke to this -- is the environmental harms that are associated with food waste. So, 22% of waste generated in New Jersey is food. So, when food is sitting in the landfill, generating methane emissions -- which is 80 times more potent than CO₂ -- and then there's also, before it even gets to the landfill, there's a significant amount of GHG emissions that are associated with producing, transporting, processing, and distributing food that's ultimately thrown away.

We find that wasted food accounts for -- I think Dana mentioned this fact, too -- which is 270 million metric tons of CO₂ equivalent, which is about 58 million passenger vehicles. And, even beyond GHG emissions, producing this wasted food wastes natural resources. We've found that producing wasted food accounts for around 21% of all fresh-water use.

At the end of the day, you know, food waste is a problem across the U.S. and in New Jersey, and it's contributing to wasted natural resources and GHG emissions all while wasting the money of consumers and food businesses.

So, now, I've talked about the problems with the current date-labeling scheme, I am going to walk through the bill and, specifically, date labels. Again, you may already be familiar, but I'll walk through the bill's three primary provisions.

So, first off, S418 creates a standardized dual date-labeling scheme in New Jersey. Just like the existing scheme, manufacturers also have the option of whether to include a date label. And, if they do choose to include the date label, it must be one of two different labels. So, the first label is an elevated-risk date, meaning a date that speaks on the food product's safety risk. This label would be on food that requires time and temperature controls to maintain the food products' safety. And, if a manufacturer chose to use the elevated-risk date label, they would have to use the phrase "use by."

The second label that a manufacturer could choose to put on their food products is a quality-based label. This label is for foods that you don't have an elevated safety risk once the date passes; the food might diminish a little bit in quality but is still, generally, safe to eat. And, the quality date label would use the phrase, "best if used by." Manufacturers wouldn't have the option of using other date-label phrases, so consumers looking at the food shelf would be looking at either a "use by" or "best if used by" date label.

The second provision that S418 does is it establishes a consumer education campaign around date labels and food safety. So, once the date labeling system in New Jersey is standardized, the Commissioner of Health will educate the public on what these date labels mean. This campaign could also teach people to stop relying on the quality date labels that don't communicate food safety, and instead use other techniques that are actually associated with evaluating a food product for safety risks.

And a third provision is that, you know, recognizing that quality-based date labels don't indicate safety. The bill would allow food businesses to sell or donate food past the quality-based date.

So, the last thing I want to talk about is just how these provisions I discussed from S418 would fix a lot of the key problems I talked about before. So, the first thing that S418 would do is reduce that consumer confusion. So, again, there has only been two date labels in use in New Jersey, the "use by" or "best if used by" label. And, according to a 2016 survey, consumers were only more likely to associate the phrase "use by" with safety, and "best if used by" with quality. And, a consumer-education campaign would just further solidify the meaning of those date labels in people's heads.

So, educating people about the meaning of date labels and how to use their senses to identify food-safety concerns, rather than relying on dates. So, education campaigns could prevent consumers from unnecessarily throwing away food that's perfectly safe to eat. The dual date-labeling scheme, it aligns with what we consider to be a model policy both within the U.S. and internationally.

So, the voluntary product code dating initiative is established by the Food Industry Association and the Consumer Brand Association, and it still has the same date-labeling scheme. And, it also aligns with the Codex Alimentarius which is the international standard of date labels. And, that was established by the Food and Agriculture Organization of the U.N. and the World Health Organization.

So, the second thing that S418 would do would save people money. Because people would understand date labels or stop throwing away food under the mistaken belief that all date labels are all about safety.

In the U.K., they actually had a law that also operated very similarly to S418, where they standardized date labels and they instituted a nationwide campaign on food waste and date labels and food safety. And, then, over five years that campaign on standardizing date labels saved households \$8.6 billion U.S. dollars. So, given the rising food prices in the U.S., people are going to get more food out of their food dollars.

All right, so the third thing that S418 does is it increases food recovery. Food businesses and food-recovery organizations, just like all the other consumers, they're going to understand they are clearly allowed to donate and distribute food to people even if it has a past quality date. And, so, rather than throwing away their wholesome edible food, that food can go to people and particularly people experiencing food insecurity.

And the fourth and the last thing that S418 does is it mitigates environmental harms associated with food waste. So, again, the (indiscernible) the U.K. is a model example of a place that's done this same type of action. That same campaign over five years, they avoided 1.6 million tons of GHGs across the country, and they reduced food waste by 21%. So, less food that's going to be going to landfills unnecessarily. More food that's produced which will cause GHGs will actually be eaten by consumers. And, this will lower the unnecessary amount of GHG emissions associated with New Jersey's food system.

So, to wrap up, S418 contains date-labeling provisions that would establish New Jersey as a leader in the date-labeling and food-waste

reduction policy space. It would save people money; it would reduce the environmental harms associated with food production; and it would bring New Jersey one step closer to their goal of halving food waste by 2030.

So, thank you for this opportunity to testify, and I'm happy to answer any questions.

SENATOR SMITH: Thank you very much for your guidance.

Are there any questions for Ms. Oto from any member of the Committee? (no response)

Thank you much for your help today.

Our third speaker is the Rutgers Cooperative Extension Food Waste team: Dr. Sara Elnakib and Amy Rowe. Are you out there?

S A R A E L N A K I B, Ph.D., MPH, RDN: We're right here.

SENATOR SMITH: Oh, you're here, wonderful.

DR. ELNAKIB: Thank you so much for having us.

And, I'd like to ask your indulgence for us to present on S418 as well as S3153, since they're similarly related to food waste, and it's related to some of the work that we've been doing.

So, just a little bit of background. I am Sara Elnakib, this is Amy Rowe, and we both work for Rutgers Cooperative Extension. And, we're a part of the New Jersey Agricultural Experiment Station. So, for those who don't know, the Agricultural Experiment Station has offices in every single county across the state. And, so, we're collectively across the state.

And, so, I won't repeat a lot of what was already said. We're going to keep it really simple and move it along, but I wanted to give you an example of what is happening in New Jersey right now through a story about a school.

So, before we start, you have a hefty packet in your midst, right? And, so, that is courtesy of us, just because we know that you have so much time to read; and, so, we figured we would give you some fun reading to do at your leisure. But, included in that is a fact sheet that we developed with Harvard Food Law and Policy Clinic, who just presented, around date-label donations. And, so, that is one of the things that we give out as education to the community, to educate them on what is allowed and what is not allowed with food date labels. It is confusing, and folks -- thank you -- folks have an issue understanding it.

So, we saw this hierarchy before, but I'd like to reiterate that, you know, the EPA developed a hierarchy for us on how to reduce food waste. Initially they said, "We wanted to reduce food waste at the source; if we don't reduce food waste at the source we want to feed hungry people; if we can't feed hungry people, we want to feed animals; and then, if we can't do that, we want to use it for industrial uses; compost it; and, lastly, we want to put it in a landfill," right?

What we do currently in our food system is we throw everything out, and if we do *anything* about it, we compost, right? And, so, we kind of use an inverted version of this. And, really, the food date-label bill would focus on-- I keep pressing the wrong thing, I'm sorry.

It would focus on this section of the hierarchy, right? It would stop food waste at the source, meaning people would actually use a little bit of stale chips, it's not going to kill them, right? And, they're going to be able to donate the things that they're not going to use safely. And, so, this is where it's really important, and it makes a huge impact on food waste.

As we know, there are national and state laws to reduce food waste in half by 2030, and there was a specific focus on schools. And, so, the USDA developed guidelines around how to reduce food waste in schools, because schools and large institutions are huge generators of food waste, and, so, working in that big scale setting can really help reduce and mitigate food waste. Additionally, we supported the New Jersey Department of Environmental Protection and Ag. as well as Education to develop the New Jersey-specific guide for K-12 schools on how to reduce food waste.

So, we're going to tell you a story about a school district in Paterson, OK? And, so, basically, in 2017, before we went into -- before the laws actually went into place -- we were actually already working on food waste. And, so, we worked with the district to assess how much food they were wasting. At the time, Paterson School District had about 46 schools, and, so, we looked at elementary and middle schools and we randomly selected 15. And, we measured food waste before and after our training.

And, so, this was our initial assessment: We found that the schools' food waste was about 1,000 pounds of milk for the 30 visits that we did and about another thousand pounds in fruit and vegetables. So, these were perfectly edible foods that were just thrown out during lunchtime. So, what does that mean? It's about 2,400 pounds of food waste. And, so, on average that was 84 pounds of waste per school per day, and 180 days of school, that adds up, right, so it's about 14,000 pounds. In a school district the size of Paterson that's almost 300 tons.

And, so, this idea of collectively -- in the scale of food waste -- is huge. This is one district in the state. We have 500 districts in New Jersey.

They're not all going to be the size of Paterson, but it's still a huge problem in working in kind of institutions and (indiscernible).

So, what we did is we kind of educated the food service team on food waste. We also talked to them about guidelines that the USDA supported. And, so, the education piece -- the education piece in both laws -- are really important to make sure that people understand how to use these date labels. And, then they created plans to reduce food waste. And, so, we saw about a 10% reduction in milk waste and about a 30% reduction in fruit waste and 14% reduction in vegetable waste. And, when we assessed whether it was just them not selecting the food or they were actually eating it, they were actually eating the food. So, not only are we reducing food waste, but we're supporting food security, making sure that kids in Paterson -- which is a low-income school district -- are having the food that they're really meant to have.

So, what does that mean? We saved about 350 pounds from our 30 visits from going into a landfill. And, so, again, not a lot -- it was only 12 pounds per school per day. But, because of the scale, it was about 90,000 pounds, or about 45 tons. So, if you remember that legislation that requires the large food waste producers of 52 tons, this is just saving through education; just talking to people and educating them, we were able to save almost that much in food waste.

And, so, what does that mean in dollars and cents? So, the food waste savings for that year would have been about \$76,000. And, that's just in pure food costs alone. So, that's how much the food that we purchased that was normally going to go into the garbage, and ended up not in the

garbage, costs. We're not including transportation, labor -- all of the other inputs that go into food.

And, then, Amy is going to talk a little bit about the environmental impacts.

SENATOR SMITH: Just before she starts only because I'm going to ask that people -- senators -- remember the answer to the question.

In terms of the PA trying--

DR. ELNAKIB: The hierarchy?

SENATOR SMITH: The hierarchy of what you should be doing.

From the point of view of the environment, is it better to send food waste to a landfill that even has a methane-recovery system, or is it better to send it to an anaerobic digester where all of it is converted to methane and then used to produce electricity?

DR. ELNAKIB: Yes, so, I'm not an expert in anaerobic digestion, so, I'm just going to start with that. But-- And, I've already suggested to Joey people who are much more knowledgeable about this issue than I am.

But, I think one thing that we want to think about is food waste to energy, right. That's where we should be pushing if we are going to be moving food waste into the hierarchy, we should be thinking about other uses for food waste. So, whether it's food waste to energy, whatever -- either through anaerobic digestion or kind of other methods.

SENATOR SMITH: All right, good, thank you. Next.

A M Y R O W E, Ph.D.: Hi, I am Amy Rowe with Rutgers Cooperative Extension, as stated before.

But, I would like to say that we have an expert in anaerobic digesters and those kinds of things with Gary Sondermeyer, and I'm not sure if Gary would--

SENATOR SMITH: New witness coming up.

DR. ROWE: OK, so, you can direct those questions to him for sure.

SENATOR SMITH: (indiscernible)

DR. ROWE: OK, so, thank you.

I would like to address the environmental impact of the food waste that was saved during our specific intervention at Paterson.

So, the calculations that I did here were related to how much water was used to grow one pound of the food that was served at Paterson, so I won't bore you with those calculations; you don't need to hear them. But, altogether, across the whole district for the whole school year, 10.5 million gallons of water could be saved just with the food that was actually saved through our intervention, rather than going to the landfill. And, again, the school district is not saving money on water or anything like that, just to be clear. It's just that that water was not wasted, so the food that was grown with that water was actually eaten and used rather than being wasted and losing some of those resources.

So, in terms of the energy savings with this food waste intervention, we could save almost 250,000 kilowatt hours across the School District of Paterson for the school year. And, again, those calculations were similar to what was done for water -- just how much energy was used to produce. So, not the transportation; not the storage; not the distribution;

just in producing that food. And, we could certainly get into more calculations if you're interested.

So, as was stated by Dr. Gunders on the ReFED presentation, the greenhouse gas emissions associated with food waste are very important in terms of climate change impacts, and the Project Drawdown studies have shown that food waste is the Number 1 way that we can mitigate climate change. And, it is a solution that can be implemented today. So, that's why it's not only one of the most effective, but it's one of the simplest things we can do to mitigate climate change.

So, I would like to address the greenhouse gas emissions. And, as said before, 8% of global greenhouse gas emissions are from food waste. And, if food waste was its own country, it would be Number 3 in terms of greenhouse gas emissions, behind the U.S. and China. So, this is a global issue for sure, and we all need to do our part. This is something that is really important.

So, in terms of carbon dioxide, which is a major contributor to climate change and greenhouse gas emissions, 37 tons of carbon dioxide equivalence were saved based on our food waste intervention just at Paterson. So, think about if we had done that across the 600 school districts in New Jersey -- that would be 22,000 tons of carbon dioxide not emitted into the atmosphere.

So, methane is a greenhouse gas that is more powerful in terms of being an insulator in the atmosphere. So, we want to reduce methane just because it is more potent, for sure. But, the methane is generated through the decomposition of food waste in the landfills. And, so, if we reduce food waste going into the landfill, we will reduce our methane emissions as well.

So, in the Paterson study, three tons of methane were saved just in that one school district for one school year. So, if we did that across the whole state, that would be 1,800 tons of methane *not* produced from all of that food going to a landfill. So, again, this is something very simple that could be done to help protect our environment and to make sure the children are eating the food that is being served to them.

So, I am going to hand it back to Sara.

DR. ELNAKIB: So, as we discussed, the two bills are really essential to moving this kind of issue forward. New Jersey has been a leader in a lot of the food-waste legislation over the last few years, and we were the first to require climate change education in K-12 schools, so why don't we be the first state to require now a two-date system? It's just kind of part of our stride now.

And, the public education campaign is really important in that first bill. Because, as we know, once we change something, people need to understand why we made that change and how it helps them. And, so, ensuring that the Department of Health works with supporting agencies to really put out that message and develop that public education campaign to improve food safety as well as food waste.

And, then, finally, as we discussed with schools, currently composting is -- if you are composting within a school, you are only allowed to take compost from that school, you're not even allowed to take it even if it's a school two streets away. And, so, that creates a really big issue because of the scale, right -- composters are expensive, districts want to include them, but they're not going to have one in every school, right? It would set a really big issue.

And, so, having this bill's support, delivery of food waste from one school to another while complying with food safety requirements will ensure that we really make a huge impact on some of these issues.

Other things that we kind of wanted to just mention, nudge your way, if you wanted to take this one step further: Developing shared-table legislation. So, this is a map from a paper that is in your hefty packet that talks about legislation for food -- for shared tables. So, shared tables are places in cafeterias in schools where you just drop off the food you don't want and another student can come in and take it, or you can donate it to a local food pantry. So, we've done this food waste work in Paterson, New Brunswick, Long Branch, and Delran, and we've implemented shared tables in all of those schools. Oftentimes, people are worried about liability, right - they're just like, "We don't want to get in trouble. Are we allowed to do this?" And, so, having a bill around the legislation would be really, really helpful to push schools in the right direction, and -- again -- using the top part of that hierarchy.

And then, educating and expanding some of that compost in schools. Again, institutions like schools, hospitals, colleges, are big places where we can make easy changes that have big impacts. So, that's just some recommendations.

This is our website. Please feel free to connect at any time. We have worked -- again -- to educate the public; institutions like schools and colleges; as well as health departments. So, we've worked with the Health Department and NJ DEP to develop health instructor training on food waste to get health instructors to really support food waste donations in their

communities. And, we worked with Sustainable New Jersey to implement that and put it out. So, we're very excited to continue that work.

This is our contact information if you have any questions, but we can take any questions now, if you have any.

SENATOR SMITH: I have a suggestion, which is -- school boards in New Jersey have an organ of communication, which is a magazine that comes to school board members.

You guys should get an article in there and start talking about -- because they are, literally, trying to become more sustainable. In fact, I think we have a bill that fell on the Assembly side that said school districts are supposed to prepare sustainability plans. So, you're there at the right moment for this information to get into their hands.

DR. ROWE: Yes, we actually just presented at the Atlantic City Conference of the New Jersey School Business Administrators to let them know about this work.

SENATOR SMITH: That's great.

In a nutshell with the school district -- I know this is just skimming the surface -- what were the best three things that you did for schools to help them reduce waste?

DR. ELNAKIB: I think having them understand that they don't have to actually give every student every single item. The USDA requires them to serve all of the items in the school, but students can pick two to three food items -- so, fruit, vegetable, milk, protein, whatever -- and they will still be reimbursed for the whole meal.

So, schools are terrified of not offering all of -- sending all of the students with all the items, because they will be audited and get in trouble

for it. And, so, teaching them about that -- teaching them about the food waste issue. A lot of people see it, but they don't recognize the scale. And, so, having us go in and actually measure and translate that for them -- what does that mean in dollars and cents and energy and water -- helps them.

And, then, finally, I think the shared-table piece is really important. I think people are always interested in, like -- they're heartbroken every time they have to throw out unopened milks, right, or uncut fruit. But, at the same time, they're worried that if they donate it they'll get in trouble. So, really being clear about what the liabilities are. And, that's why we work with Harvard Food Policy Clinic, to show what the liability is. And, actually, New Jersey is one of the best states to protect people from donation liabilities, but people just don't know; just spreading the word honestly.

SENATOR SMITH: We certainly appreciate all the information you brought.

Any questions from members? (no response)

Well, thank you both for coming in.

DR. ELNAKIB: Thank you so much.

DR. ROWE: Thank you for having us.

SENATOR SMITH: Now we're going to get started (indiscernible) points of view.

So, for the record, Anjuli Ramos, New Jersey Sierra Club -- in favor, no need to testify. Mike Egenton, New Jersey Chamber of Commerce -- in favor, not need to testify. John Holub, New Jersey Retail Merchants Association -- opposed, no need to testify. Eric Benson, Clean Water Action -- in favor, no need to testify. So, Gary Sondermeyer -- you're in favor, no

need to testify; I'm whitening out the "no need to testify." We're going to need you to testify.

And, we have a lot of people opposed. So, let me start with Mary Ellen Peppard, New Jersey Food Council.

Please don't read statements -- we've got all the written statements. Tell us in normal communication skills what your point of view is.

OK, in normal speak, what is your issue?

MARY ELLEN PEPPARD: Hi, Chairman, thank you so much.

Mary Ellen Peppard with the Food Council.

I know I've had the opportunity to talk to you. I think pretty much everyone on the panel in the last week or months.

I do want to mention that Greg Costa from the Consumer Brands Association was planning to be here today and talk about the national program. He is in Upstate New York; because of the weather, he was unable to come. What he wanted to say was that -- and, I think the previous witnesses had mentioned this -- Consumer Brands Association and the Food Industry Association did create and implement a national standardized date labeling program in 2017. This was done after years of research, consumer focus groups and education. This program has been tweaked and strengthened a little bit over the years; obviously, due to COVID, there has been a delay.

SENATOR SMITH: All voluntary, correct?

MS. PEPPARD: Yes, correct, Chairman -- it is voluntary.

What Greg wanted to talk about was that they are going back into the field in 2019 to have some more discussions with their brands, with

their members -- many of which are our members as well -- to discuss what's working, what's not working in terms of consumer education, and what can be improved.

One of our major concerns with this legislation is that right now, because the program is voluntary, it is a best practice that has very high compliance among our national and global brands. The -- once we have a state-level mandate, we don't have that flexibility. And, so, as I mentioned, it took our brands years to get to the point where they had determined what labels they thought would be best for the consumers. But, that was done with a lot of tweaking and changes. And, it's quite possible that that would need to be updated in the future.

One of the examples of where more flexibility is currently needed is that different packaging has different limitations because it may be very small sizes or shapes. So, for example, it may be necessary for the manufacturers to truncate "best if used by" to "best by." That's something that's not possible if you have a law that says, "Well, you absolutely have to have --" if you don't have that word "if" now you're out of compliance.

SENATOR SMITH: So, stop for a second. Let's bring us back to the days of yore, 2018 -- and even today, in this bill.

The two phrases that are in the bill, "best if used by," or "frozen by," or best -- not best -- "use by" a certain date. Those are the national recommendations, aren't they?

MS. PEPPARD: Correct, Chairman, they are.

SENATOR SMITH: So, the labels that we're putting on are nothing more than your own associations have recommended that everybody voluntarily agree to?

And, by the way, you know the bill does say that if you come to a national consensus -- automatic change. It automatically updates to whatever the new recommendation is. The problem is, you can't get it passed. When you were here in 2018 -- and, I think it was Greg in particular, and we have the testimony -- who said, "Not to worry, Chairman, this is on the front burner in the Congress, we're getting it done, it's going to be bipartisan."

Well, it's four years later. We're now going to have divided houses again. There's no guarantee. I mean, one of the reasons we kind of stepped back a little bit was we were assured that it was going to be done in 2018, '19, '20 -- never happened.

MS. PEPPARD: Chairman, if I could respond. Thank you for that.

I guess I would say a couple things. One is -- correct, we don't have the Federal legislation passed. What we have is an industry best practice that's being widely implemented, and, as I said a few minutes ago, when you have a law -- Federal is certainly preferable in this case to State -- but when you have a law, you don't have the flexibility to change and update easily, readily, as needed, in response to consumer education.

We think this is going to actually lead to more confusion among consumers, more wasted packages -- because if the food is all of a sudden, in the next week, or a year from now, out of compliance, those finished packages need to be thrown away, they need to be discarded, because they're out of compliance. That's obviously more food waste and packaging waste.

You know, it is very, very difficult when you have a State-level labeling bill for something like this, because of course the manufacturers are national and global brands--

SENATOR SMITH: We have a comment from the first or second speaker, wherein she said it would be great if New Jersey would pass this law, because then maybe the other 49 states would adopt it, or that Congress would act, because as long as there's no law in the United States, it's never going to be -- there's never going to be a universal food label.

MS. PEPPARD: Chairman, yes -- I guess I'm not understanding why we need to have a law if this is widely adopted and supported by the industry--

SENATOR SMITH: I'll tell you. I did a survey last night at my house. I got the canned goods out. And, I would 90% of them had one of the two labels. Anything that's wrapped in paper -- maybe they don't put the expiration dates on that stuff -- I saw no date label, but I did see other labels.

Everybody is not adopting the best practices to start, but the problem is the government is not getting the job done. You heard them say that we're wasting millions of tons of food -- and, not only that, it's contributing to the global climate change. We've got to do something, you know. And saying, "Let's wait until another day," you had four years.

M I C H A E L D e L O R E T O, E S Q.: Chairman, may I? For the record, Michael DeLoreto from Gibbons PC, we serve as counsel to the New Jersey Food Council.

I can't say that I disagree, Chairman, but I think from the testimony that you heard today -- particularly from Rutgers University -- education is the key factor.

In 2017, there was no uniform standard from the industry; there were no laws on the books.

SENATOR SMITH: Actually, (indiscernible) were the national industrial recommendation, I think, from the National Food Council.

MS. PEPPARD: Correct.

MR. DeLORETO: Correct.

SENATOR SMITH: What was your recommendation? That's the only label worth putting on.

MR. DeLORETO: The--

SENATOR SMITH: The labels will change (indiscernible)

MR. DeLORETO: The recommendations weren't adopted yet, but they were recommended, and manufacturers started using them after 2017.

So, when the study was done in 2017 by Rutgers University, those standards weren't in place. And it showed -- what the Rutgers study actually shows is that you can have whatever labels you want on there. You can have "use by," you can have "best if used by," you can have "best by." If the consumer doesn't know what it means and doesn't understand it, it's not going to make a difference what label you put on there.

And, so, for New Jersey to go out on a limb and become the first state to require a label, the bill requires "best if used by," I believe the national standard is "best by," not "best if used by," but, regardless of that, if the Legislature were to really want to tackle this issue right now, the best thing to do would be have the Department of Health do an education campaign to educate consumers on what labels mean. And, that would be able to reduce food waste right away, because that's actually what the Rutgers study shows -- is that the moment you can reduce food waste--

SENATOR SMITH: It's in the bill. The Department of Health is supposed to (indiscernible) educational campaign.

MR. DeLORETO: Absolutely. But, also, it's in the bill as the mandate on retailers and manufacturers to use two specific labels.

SENATOR SMITH: (indiscernible) these are the standards. We're not going off the ranch here. These are the standards your associations have recommended. That everybody voluntarily undertakes.

MR. DeLORETO: Yes, but for those who have not--

SENATOR SMITH: We're not doing something different that you're doing except for saying (indiscernible).

MR. DeLORETO: Correct, and--

SENATOR SMITH: And by the way, if you need a change. So not only (indiscernible). Just come back. We pass laws all the time. We don't want New Jersey to be an outlier, but the standards are the national standards, the same ones your organizations recommended. Really, the flexibility thing is (indiscernible) for me.

I don't think we should be afraid of not moving the ball forward because it might be a little onerous. It's not a little onerous. You're putting it on (indiscernible). You know the people who are listening to you (indiscernible). So, why don't we let them be good soldiers in the campaign? And, we're also getting the government to do the educational campaign which, by the way, we all should (indiscernible)

MS. PEPPARD: Chairman, if I might add that there are some things in the bill besides those labels that are--

SENATOR SMITH: So, what else don't you like? Why are you testifying?

MS. PEPPARD: So, for example, Chairman, there are a number of provisions in the bill regulating milk -- our dairy folks have expressed some concern about--

SENATOR SMITH: What are their concerns?

MS. PEPPARD: Milk is unique, and governed by the PMO, and does have -- there are some more -- food safety concerns with milk. And, so, they weren't -- they were concerned with the milk having the quality date and not the elevated risk date, potentially.

So, that's something that they brought up to our attention as an issue. There's also -- I'm sorry?

SENATOR SMITH: Ask them to contact us in writing. I'll take a look at it.

MS. PEPPARD: Yes, I will have to do that. Thank you, Chairman.

There's also some pieces about exactly how the dates would have to read, and the three-coding. Not all of our manufacturers need -- maybe some of them say "May 2022," some of them say "5," you know, "5 May 22," for example. There's just some --

SENATOR SMITH: You mean the format?

MS. PEPPARD: Yes, correct. And, there's some tweaks.

SENATOR SMITH: We can take care of that. That's easy.

MS. PEPPARD: Well, we look forward to working with you.

And, like I said, our national folks are planning a January education campaign -- a consumer research event. So, we're looking forward to that.

Thank you.

MR. DeLORETO: Thank you, Chairman.

SENATOR SMITH: All right.

Hilary Chebra, South Jersey Chamber of Commerce. Hilary, what's the issue?

HILARY CHEBRA: Good afternoon, Chairman, members of the Committee.

Hilary Chebra, Manager of Government Affairs for the South Jersey Chamber.

Thank you for the opportunity today.

I won't repeat a lot of what Mary Ellen said, but we do share a lot of the same concerns. Our members have brought up that this would create-- Like she said, there is a voluntary successful program that is in use right now, and we're concerned that if New Jersey were to make a law, we would lose that flexibility.

You had mentioned that since these manufacturers are already using these terms, what is the issue? The issue is, if another state also has a law like this, but their phrasing is a little different, that could create the problem of inconsistent labeling that could, inevitably, confuse consumers. If, say, I live in Bordentown, I go to the store right next door in Pennsylvania, and they were to create a law like this and the labeling is different, that could cause some consumers confusion -- especially in South Jersey; a lot of folks will go across the bridge to travel.

So, we just want to raise that concern as well as--

SENATOR SMITH: But, isn't that already the case?

MS. CHEBRA: Well, as we said, the voluntary programs--

SENATOR SMITH: (indiscernible) 50 different things directly.

SENATOR DURR: So, we're going to add another one?

SENATOR SMITH: No, actually, what you're doing is setting actually the state standard that they recommended as the standard.

You're always going to have chaos if you don't put in (indiscernible)

MS. CHEBRA: Understood, Chairman, we just want to raise that if there was a different law across the state, that that would cause that inconsistency, that then our manufacturers would have to have two different types of labels to keep in mind, and then consumers may also be confused.

Again, this may be more appropriate on the Federal level.

SENATOR SMITH: Ms. Chebra, I don't want to revisit this bill. This is four years (indiscernible). I was told by the experts from Consumer Council and food industry not to worry, (indiscernible). It's now three sessions late. And, you now have a divided (indiscernible)

What do you think (indiscernible)?

So, anyway, I appreciate you coming. Did you have any more that you wanted to say?

MS. CHEBRA: No, Chairman, that was it.

SENATOR SMITH: Ray Cantor, NJBIA – surprisingly opposed.
(laughter)

UNIDENTIFIED SPEAKER: Poor Ray.

RAYMOND CANTOR, ESQ.: I think it's still this morning -- I'm not sure where we are at the moment.

Good afternoon, Mr. Chairman, members of the Committee. My name is Ray Cantor, I am Deputy Chief Government Affairs Officer with NJBIA.

No testimony; let me try to address your specific concerns, Mr. Chairman, as to why we think this bill is not needed.

Not every problem needs a legislative solution, and, sometimes, codifying things in law and in regulation create unintended consequences. We have a national program that is robust. I know you're trying to codify what those standards are, but it's robust, it's being implemented widely. I didn't hear anything in the earlier testimony that says that that system is not working. What I heard was that there needs to be more public education as to what those dates need, and I think we're all for public education.

To echo some of the statements made by Mary Ellen and the South Jersey Chamber, while New Jersey may step into this foray and create standards -- and, your hope is that 49 other states may do exactly the same thing -- there's no guarantee when Pennsylvania or Maryland or whoever else comes in that they will have the exact same standards. There's no guarantee that once, you know, you pass legislation that the regulations being adopted are going to be exactly what is needed.

So, all we're doing is creating the potential for confusion; the potential for conflict into this system where you're going to have a New Jersey product that no longer can be, you know, meets AA national standards.

You may not agree that there needs to be flexibility in that system, you know, if consumer choice or education demands a slightly different wording. But, those are real concerns, and, coming to the Legislature to get changes, you know, is not always an easy thing. Getting a department to make regulatory changes is not an easy thing. But, on a voluntary system that is working, if we're able -- if something needs to be tweaked, something can be tweaked.

So, again, Mr. Chairman, we don't disagree with you on your goals; we don't disagree with you on the need for product labeling. We think there *is* product labeling; we think it's working, and we think legislation could only make things worse.

SENATOR SMITH: Thank you for your comments.

MR. CANTOR: Thank you.

SENATOR SMITH: Sandra Grance, from the American Beverage Association -- the ABA.

UNIDENTIFIED SPEAKER: She has no need to testify.

MR. GURRENTZ: Oh, right, yes, sorry; she's no need.

SENATOR SMITH: Oh, I'm sorry, it didn't get checked.

All right. So, that's all of the witnesses.

Members, do we have questions?

SENATOR DURR: I just think, to reiterate what Ray said, I think you're looking for a solution to a problem that doesn't exist.

SENATOR SMITH: So, I didn't want to get into a double-double with -- oh, and I'm sorry, we do have one more witness -- but, to answer your question, I don't want to get into a colloquy with Ray.

But, that's actually not what the witnesses said. What they said is, one of the major reasons that we're not helping food insecure people -- one of the major reasons we're not getting food waste out of landfills -- is because there is a lot of confusion among the public because there are either so many labels and there's no consistency between the states. Everybody is doing their own--

SENATOR DURR: I don't think this is going to create consistency between the states.

SENATOR SMITH: I think once one state does it, the dominoes all fall. Because, for all the reasons that they just said -- which is, every manufacturer wants to make sure that we are meeting the labeling requirements; we're the only state with a labeling requirement.

And, by the way, not a weird one, the one that they're recommending -- the one that they sell -- is what everybody should be doing. So, it's not like we're going wild here. We're just taking their recommended standards from back in 2017 and '18 -- and, which they've now started a voluntary program, and I commend them for that -- but, just making it the standard.

It's needed. The landfill problem is huge. Having landfills digest food waste is awful. They leak like a sieve, we have to get them into anaerobic digesters, and we've got to get this food waste greatly reduced. The national goal is 50% of the 50% that we don't eat. We have a goal in New Jersey, too, by the way, and I think it's pretty close to that.

But, listen. I understand your point of view.

So, Gary Sondermeyer. You wanted to not to speak -- you've got to speak. You're the Association of New Jersey Recyclers.

But, also, you should know about Gary -- Gary is a former Assistant Commissioner?

GARY SONDERMEYER: I was the Chief of Staff for 10 years at the DEP, yes.

SENATOR SMITH: At DEP.

So, he's got -- he looks like a young guy, but he's got a lot of miles on him.

(laughter)

And, he particularly had a lot of experience on the solid waste side of it.

So, Gary, if you don't mind --

MR. SONDERMEYER: Come up?

SENATOR SMITH: Yes, please, we would like to hear from you.

First, I want to ask that question that I asked the representatives from Rutgers: Is there a comparison -- I mean, we should be looking at both -- getting food waste into anaerobic digesters, reducing, of course, the triangle, the EPA triangle, trying to get food waste out of the food waste stream; gotta do it. But, if it's going to go into the food waste stream, we ultimately don't want it to go into landfills, we want it to go into anaerobic digesters, so you make electricity. Because the landfills leak like a sieve.

MR. SONDERMEYER: Absolutely, correct. And--

SENATOR SMITH: That was the correct answer--

MR. SONDERMEYER: --hands down, anaerobic digestion.

But, the only thing I would -- I would qualify two things, if I could.

SENATOR SMITH: Sure.

MR. SONDERMEYER: But, the landfills: We have 12 modern landfills that we built in my tenure at DEP. They're really well-run. They have state-of-the-art technology; double composite line; they all have active methane gas collection systems; they create energy. You hit it on the head, they still leak like sieves.

Anaerobic digesters-- And, landfills are not compost facilities, they're disposal facilities.

SENATOR SMITH: Right.

MR. SONDERMEYER: Anaerobic digesters are completely different. Very small, contained, you can manufacture renewable natural gas through them. And, what we really -- the great example, Mr. Chairman, that I think you're aware of -- waste management; converting old garbage transfer station in Elizabeth to, basically, a big food blender.

So, it takes source-separated food, they blend the food, they take the slurry, they truck it up the road to their Rahway Valley Sewage Authority, and they inject it into an *existing*, paid for with public dollars, digester, and make renewable natural gas. Maximizing an existing piece of environmental infrastructure.

We should be looking, through DEP, at any other opportunities to do that in the State, because our biggest problem on the compost end is lack of infrastructure. Two facilities: Rahway, Trenton Renewables, down the street. That's it.

SENATOR SMITH: Right.

So, what everybody should know -- every significant sewage treatment plant has the anaerobic digestion of sewage collection. It's already built; it's already there. You just have to use it. You have to put the food waste there, collect the energy from it, and not put the stuff in a leaky landfill. No matter how good they are.

MR. SONDERMEYER: Yes. Exactly right.

And, the only other small clarification -- there are also aerobic digestion technologies that work well. So, it's either--

SENATOR SMITH: Yes, it doesn't have to be anaerobic--

MR. SONDERMEYER: aerobic, anaerobic, but -- yes, sir.

SENATOR SMITH: OK.

Comments on the bill? Are we going in the right direction, or the wrong direction?

MR. SONDERMEYER: Which bill, the date labels?

SENATOR SMITH: The labeling.

MR. SONDERMEYER: The labeling bill?

We totally support it. We, through -- and, I think you're aware of this, Mr. Chairman -- two years ago through the Climate Alliance, we did an 80-organization stakeholder process. We studied food recovery; we studied composting.

One of the biggest issues that we need to do is remove confusion. And, the date-label bill will move forward to do that. We think it's very, very important.

And, the other end of the confusion is on donation of food, which you know, folks who are generators -- like restaurants, supermarkets -- they think they're going to get in trouble if they donate food. We've had a Good Samaritan Law in the State of New Jersey for 40 years. We just need people to know about it.

So, between clear date labels and understanding indemnification if you donate food are the two key messages we have to drive to the State to address that 40% of the food that gets disposed of. It's a disgrace.

SENATOR SMITH: It is a disgrace.

MR. SONDERMEYER: So, we totally support-- And, if I could say one other small thing.

The education program, which is assigned to the Department of Health -- which makes total sense. The only other thought is that this body created a new position we've never had in the State, which is an Office of

Food Security Advocate. That's really, really important. So, we thought, through (indiscernible), it would be great if that education program from the Department of Health could be done in consultation with the Office of Food Security Advocate. Because, it would be great to elevate that position, because we think it's really, really important.

SENATOR SMITH: We don't have anybody in State Government that does that?

MR. SONDERMEYER: Sorry?

SENATOR SMITH: We do not have anybody in State Government that does it now?

MR. SONDERMEYER: It is, now, this new Office of Food Security Advocate, the gentleman's name, Mark Dinglasan, he was hired just two months ago, and they're *in* but not *of* the Department of Agriculture.

So, it is an officially recognized through the Legislation body, and I think it would be great to sort of elevate their status to work in cooperation with the Department of Health on the education component. Because, that's what they're supposed to do -- advocate for food recovery in the State.

SENATOR SMITH: Terrific.

Any questions for Mr. Sondermeyer? (no response)

Thank you.

MR. SONDERMEYER: Thank you for the opportunity.

SENATOR SMITH: And, by the way, I knew this was going to be a robust discussion. And, I was afraid we were going to lose the speakers, so we left a couple of bills on the table. But, I think they'll be much faster.

Any questions from members? (no response)

Can I have a motion to release from Senator Greenstein, I'll second it.

And, I hope Governor Codey left his vote. Did he leave his vote?

MS. COCROFT: He did.

SENATOR SMITH: He did, thank you.

Would you take a roll call on the release of the date-labeling legislation.

MR. HANSEN: And, just for the record, there are technical amendments.

Senator Stanfield.

SENATOR STANFIELD: No.

MR. HANSEN: Senator Durr.

SENATOR DURR: No.

MR. HANSEN: Governor Codey left a yes vote.

Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: Senator Smith.

SENATOR SMITH: Yes.

And, the bill is released, but not unanimously.

Let me see what's next.

Let's go to Senator Singleton's bill -- 2712.

Prohibits the sale, manufacture, distribution, and use of firefighting foam containing intentionally added perfluoroalkyl and polyfluoroalkyl substances, commonly called PFAs.

For the record, Doug O'Malley, Environment New Jersey -- in favor, no need to testify. Anjuli Ramos New Jersey Sierra Club -- in favor, no

need to testify. Rebecca Hilbert, Coalition for the Delaware River Watershed -- in favor, no need to testify. Allison McLeod, New Jersey League of Conservation Voters -- in favor, no need to testify. Matt McDermott, New Jersey Firemen's Association -- in favor, no need to testify. FMBA -- which I think is, what?

UNIDENTIFIED SPEAKER: FMBA is the fireman's union, abbreviated.

SENATOR SMITH: All right, so it's the fire union -- in favor, no need to testify.

So, we have two witnesses. Let's try Ed Waters, Chemistry Council of New Jersey -- neither opposed or in favor, seeking amendments.

What would you like, Ed?

E D W A T E R S: Good afternoon, Mr. Chairman, members of the Committee.

Ed Waters, Senior Director of Government Affairs for the Chemistry Council of New Jersey.

We support the efforts of what this bill is trying to accomplish, but we are looking for some amendments to allow for some uses of this product, especially as it pertains to oil refineries, chemical facilities, and different uses that are not -- would not be extinguished with traditional efforts.

And, also, there are -- while there are fluoride-free alternatives, they're not as effective as the current AFFF firefighting foam. And, so, we're looking for some amendments to kind of carve out some of these uses that would benefit from this, but are not typically seen -- like, a Class B fire; we don't see a lot of Class B fires.

The big issue here with these foams and what has been an issue, which we support banning, is for testing and training with these foams. In fact, Senator Gordon Johnson has a bill in S402 which would ban the use of AFFF for training and for testing. And, we think that is where the problem -- when you're talking about any type of groundwater contamination, that is what is causing it. Because, again, these types of fires that we're talking about using AFFF for are few and far between.

But, it is important, because the AFFF foam, what it does is it smothers the fire versus when you use water. If you're using water on a petroleum fire or a chemical fire, it's going to spread the fire out, it's going to cause it to burn longer. This type of foam goes on top of -- lays on top of the fire, and smothers it out. It reduces the amount of time that it takes to fight that fire, it reduces the amount of effort it takes to fight that fire.

And, so, that's what we've been speaking with the sponsor-- And, I do want to thank the sponsor, he has taken a lot of time to meet with us and talk to us, and we want to continue discussions with him to see if we can get some amendments that would just allow for some small uses of this product to make sure we're able to fight those fires.

SENATOR SMITH: So, we try to live by the rule that the sponsor should decide--

MR. WATERS: Sure--

SENATOR SMITH: --all right.

And, I am hearing from our OLS staff that Senator Singleton is thinking about some minor amendments.

MR. WATERS: Sure.

SENATOR SMITH: But, I think we should leave that to his hands.

So, my recommendation would be get the bill out, and we have one more witness, and, then, Senator Singleton will amend it on the floor with whatever minor exceptions he feels are acceptable.

MR. WATERS: And, I agree with that. I wasn't asking the Committee to amend it, I just wanted to put it out there that this is what we're seeking and let the Committee members know that we are working with the sponsor to address our concerns.

SENATOR SMITH: And, please try to make them as small as possible.

MR. WATERS: Sure.

SENATOR SMITH: Because, these substances are killing us. They're everywhere.

MR. WATERS: And, again, we support what the premise of this bill is, to not get the PFAs into the water.

But, we just want to make sure that if there is a big fire at a chemical facility or at a refinery in the state, that we're able to put that fire out and not cause -- cause as little damage as possible.

SENATOR SMITH: Very reasonable comments.

All right, I think Eric Benson is the last witness.

MR. BENSON: In support.

SENATOR SMITH: In support.

MR. BENSON: No changes. I like it the way it is.

SENATOR SMITH: All right, that concludes the testimony.

Any discussion from members? (no response)

All right, so, a motion to release by Senator Stanfield; second by Senator Greenstein.

Let's take a roll call vote on 2712.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: I am going to vote yes with reserve to see what the amendments are.

Because, I haven't seen any statement as to what would be suitable replacement that would, you know, alleviate this problem.

Because, not only chemical, you know, refineries and stuff -- but, don't we use this for, you know, airports? For jet fires? And, it's an important usage.

SENATOR SMITH: Well, that's why, I think, we're willing to accept the thought that there should be some exceptions.

SENATOR DURR: Right. I would like to see the exemptions placed in there.

SENATOR SMITH: OK, that's fair.

So, that's a yes to release?

SENATOR DURR: Yes.

SENATOR SMITH: But reserving your rights.

OK.

MR. HANSEN: Governor Codey left a yes vote.
Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Senator Smith.

SENATOR SMITH: Yes.

And, the bill is released unanimously.

And, our next bill is Governor Codey's bill. And, it was discussed in the testimony of the witnesses saying that having the ability for schools to send their food waste to another school where it's being composted would be a help on that problem.

Do we have any witnesses on this?

OK, Doug O'Malley -- in favor, no need to testify. Drew Tompkins, New Jersey Work Environment -- in favor, no need to testify. Eric Benson, Clean Water Action -- in favor, no need to testify. Allison McLeod, New Jersey League of Conservation Voters -- in favor, no need to testify.

And, I think Sara from Rutgers already did testify.

UNIDENTIFIED SPEAKER: She did?

SENATOR SMITH: Yes, they did in their presentation. And, the same for Amy Rowe.

UNIDENTIFIED SPEAKER: Yes.

SENATOR SMITH: So, the good news, we have two witnesses. First, Issac Beary, New Jersey Composting Council.

UNIDENTIFIED SPEAKER: Bearg.

SENATOR SMITH: Bearg.

Isaac.

I S A A C B E A R G: Thank you, Senator Smith, and Committee.

As you said, I represent the New Jersey Composting Council. Our members are, you know, organics recyclers, and we promote organic waste diversion, recycling, composting, and utilization for the benefit of the environment, economy, and society.

So, I want to take some time just to thank the Committee for addressing food waste, including the food waste labeling bill. But, I won't focus so much on why it's a problem, because we heard plenty about that today.

I came here to support this bill today, but I was a little unsure, exactly, what I wanted to say. And, so, as I'm driving down in my hybrid electric plug-in vehicle, I realized there's no place to plug it in in the lot downstairs. And, so, I was like, "Well, we know we need to move towards electric vehicles and these things, so why can't I plug it in?" Well, we know it needs to be done.

Well, the same goes for food scrap bins here in the building. There are none. And, as of two months ago, DEP is not composting. We know what needs to be done, but we're not doing it. And, there's a lot of reasons for that, and there's a lot of reasons why the food waste mandate has not had more of an impact.

And, this bill -- and some of the restrictions that it would move -- speak to why. So, we strongly support it, and we understand that there are some folks who would like to slow this bill down, as well as the community garden bill. And, what we would just say is that we have to act.

I heard your speech at the New Jersey Climate Change Alliance the other day. You understand how important this stuff is, and we have to continue to move. I would say this and the community garden bill, they have broad support and our constituents are going to be very disheartened if we can't even get these small things done.

So, we're happy to work with the Committee and the Assembly to make sure we get it right. But, we have to move; we have to continue to allow composting and organic recycling to happen.

So, that's all I'll say.

SENATOR SMITH: Appreciate your comments.

Gary Sondermeyer, New Jersey Climate Change Alliance, I would like to hear what you have to say.

MR. SONDERMEYER: Thank you, Mr. Chairman, Committee members, again.

I'll be very quick, and we've already talked a great deal about food recovery and the work that we did for the climate alliance, and what we tried to develop, and did develop, is a food recovery and food -- sustainable food-waste management plan for the state two years, and we've been actively implementing. And, we did that in very close cooperation with the DEP, the Department of Agriculture. We did an 80-organization stakeholder process, and we've been trying to implement it.

And, one of the key things that we found is we absolutely, as Isaac Bearg just testified, need to remove regulatory barriers. It's strangling the whole infrastructure world. And, we talked about higher-end technologies -- aerobic, anaerobic digestion technology. We can accomplish so much at the small scale level.

One of the organizations had the honor of being the Chairman of the Board of Trustees of Sustainable Jersey. We're up to 466 towns and 1,066 schools actively involved. We've got a grant from DEP to develop a tool kit for schools; 2,500 public schools in the state, another 700 private schools. In addition to the tool kit, we purchased three in-vessel, or enclosed

composters, that were placed in schools -- and Sara Elnakib and Amy alluded to this -- in Delran, Newton, and in Long Branch.

To sort of paint the picture quickly, the George Catrambone Elementary School in Long Branch has the unit that you saw a slide -- I don't think Sara kind of pointed it out. Basically, it's like an oversized stainless steel photocopier. And, that's a composter. It goes right into the cafeteria, takes all the food waste from the kids, and the material after that goes right in the school garden. This is, you know, what we need to get to what the problem is. Under DEP regulations, George Catrambone can only take the food from their school. If they take from any other school in Long Branch -- elementary school, high school, middle school, whatever -- it triggers all the bells and whistles of a commercial compost facility. Under DEP laws, it's dead; it's never going to happen.

So, we wanted to thank Governor Codey for sponsoring 3153, which removes that barrier and allows for regional composting in schools.

We do have one important amendment to respectfully request. The companion bill in the Assembly, which is A4548, has a paragraph that specifically exempts this activity from the DEP regulations. And, that paragraph is not in S3153, so, we would respectfully ask that we try to replicate the language that's in the Assembly bill.

I did submit written comments, Joey -- I sent them to you late last night. And, we did put that language in, and that's really our only request.

Other than that, we just totally support the bill.

SENATOR SMITH: Terrific.

Any questions for Mr. Sondermeyer? (no response)

MR. SONDERMEYER: Thank you.

SENATOR SMITH: OK.

I don't see an issue with the amendment, does anybody? (no response)

I don't think Governor Codey is going to have a problem with it. So, motion to release by Senator Durr, second by Senator Stanfield.

Let's take a roll call vote on Senator Codey -- Governor Codey's bill.

MR. HANSEN: With the amendment in principle?

SENATOR SMITH: Yes.

MR. HANSEN: Senator Stanfield.

SENATOR STANFIELD: Yes.

MR. HANSEN: Senator Durr.

SENATOR DURR: Yes.

MR. HANSEN: Governor Codey left a yes vote. Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. HANSEN: And, Chairman Smith.

SENATOR SMITH: Yes.

And, our last piece of business today: We have for discussion only three bills on electric vehicle batteries. And, that's S3256, 3372, 3373.

I've gotten communications from New Jersey CAR about some relatively minor amendments, but they look pretty good. Are there -- I appreciate people talking about it at a cosmic level, to the extent you can.

The effort here is to take some testimony about -- people can see some big-picture problems, and then we're going to, I think, at the next meeting combine them into one bill. Merge them all together and not have a lot of things moving around. It's kind of like the date-label thing -- we want to set up one bill to do the job.

Why don't you bring all three up, and, do we have slips? OK.

So -- good. So, we have all three. And, when you come up, you can talk about any one of the three you want.

So, I want to hear from Tesla first. Zach Kahn.

Zach, you want amendments. What do you want?

ZACHARY KAHN: Good afternoon, Senator, thank you for putting this together.

Good afternoon, Committee members.

I am Zach Kahn, the Senior Policy Manager here at Tesla.

Yes, we do want some amendments, and I've got comments, and I'll kind of touch on all three bills, and I'm happy to go into a lot more detail offline with you.

So, first off, thank you for holding this.

I think discussing battery recycling, particularly EV batteries, is really important. As the largest manufacturer of EVs in the U.S., Tesla has been acutely aware of this issue and laser-focused on it for years. We have a policy on our website; I'm going to read a little bit of that, just to kind of lay out the big picture of where Tesla thinks about -- or, how -- Tesla thinks about this.

We say, "Extending the life of a battery pack is a superior option to recycling, for both environmental and business reasons. For those reasons,

before decommissioning a consumer battery pack and sending it for recycling, Tesla does everything it can to extend the useful life of each battery pack. Any battery that is no longer meeting a customer's need can be serviced by Tesla at one of our service centers around the world. None of our scraped lithium ion batteries go to landfilling, and 100% are recycled.”

So, as a company, we believe in and support well-crafted extended-producer responsibility programs that respect and reflect the unique needs of large batteries, and the operational needs of the EV sector.

To start, I just want to note that over the last three to five years, we've seen new entries into the EV battery recycling business come forward at a regular pace. Just this week, Redwood Materials announced a \$3.5 billion facility that they're opening in South Carolina. They already have a facility in Nevada. And, so, we're seeing these grow. In fact, just recently, there was an article in Bloomberg that said, basically, the issue isn't where or how these vehicle batteries are going to be recycled; the issue right now is supply for these recycling centers that are being set up for them to be profitable.

So, I will say, this Committee has done more than any other Committee in terms of advancing adoption of EVs in the State of New Jersey. But, one of the best ways to create EV programs for recycling in the State of New Jersey is to have more EVs on the road, so that when those EVs come to the end of their life, there is a robust supply of batteries to support these business plans.

So, I would certainly encourage the State and -- I know this in the Governor's Office and DEP -- but, adopting advanced clean cars, too, is a huge deal. Really important for continuing the leadership New Jersey has had in EV adoption. And, I'd be remiss if I didn't also point out, if you made

it a little easier for EV manufacturers to sell in the state, that would also be tremendously helpful.

Of the three bills up for discussion today, we believe that S3372 -- and, I appreciate what you said, Chairman, about kind of merging them, so I will keep this kind of high level. I think the idea of having the taskforce makes a lot of sense. We would seek an amendment; we don't think it should take two years for the taskforce to report out its findings. We'd like to see that reduced to a year. We are certainly not trying to avoid or delay, but we think a year is a reasonable amount of time to turn around, looking at other states, looking at other countries around the world, and putting together something that works for the State of New Jersey.

I think the key thing that I did want to just reiterate is that, when looking at EV batteries compared to, say, a double A battery or some of the other products that have gone through extended producer-responsibility bills -- unlike a lot of those projects that are virtually useless or valueless at the end of life, there's a tremendous amount of value in a used EV battery. Pulling out the lithium, pulling out all the other materials that are in there, is valuable. And, that's why there are all these companies that are being developed to address this market need already.

In terms of your Bill S3373, if the Committee decides to sort of expedite the adoption of a framework prior to a taskforce type consultation with industry, we do request that you consider a different approach. And, we were part of the discussions I believe a year or so ago -- I think it was S3665, was the original bill. We had extensive discussions with Matt Peterson at the time about our thoughts on that bill, and provided a memo that kind of laid out how we think about extended producer responsibility.

We were actually asked by Matt to work together and put together a stakeholder group, which included some advocacy organizations as well as other EV manufacturers like Rivian and Arrival.

So, we would like -- I will resend those documents. We also did a markup draft; it's pretty extensive, we do think it's sort of a new approach, which might come out of combining these bills, would be advantageous, as a way to look at this.

I think from our perspective, and from the EV manufacturer perspective, batteries will -- EV batteries -- are going to require a different framework. And, in terms of how we develop a strong and successful recycling program, we recommend the following five key components.

First, maintain and enforce the prohibition to landfill batteries, including EV batteries. Two, facilitate the collection of EV batteries to the safest and most practical channels. This is -- we don't want car owners to try to take their EV batteries out on their own, that is -- that would be a bad outcome. Three, take the residual value of EV batteries into consideration. Four, mandate that EV manufacturers take back the EV batteries they produce on request when the market does not otherwise respond. And, then, finally, do not prescribe collection rates for EV batteries, as they're not appropriate performance metrics for those products.

We've got a lot more detailed information in the memo, and would be happy to share that, happy to continue the discussion.

And, finally, we really appreciate the intent of S3256. I think given sort of the inherent economic value of used batteries, we don't necessarily really think that it's necessary at this point, because there's a market desperate for those batteries already, whether it's dismantlers,

recyclers, OEMs. Tesla recycles their own batteries and re-manufacturers, as I said at the onset, our batteries for use.

SENATOR SMITH: So--

MR. KAHN: Yes.

SENATOR SMITH: For anybody who is not following along, that's the bill that says there's a recovery fee that would be collected at some point.

MR. KAHN: Correct.

SENATOR SMITH: And, you're saying these are so valuable it doesn't need to be done that way.

MR. KAHN: Correct.

SENATOR SMITH: OK.

MR. KAHN: That's our-- And, should you want to go forward, there were a couple language changes we would like to talk about, to make sure that, again, we're not encouraging folks in their garage to sort of take out batteries and try to do stuff on their own; try to remanufacture them on their own.

SENATOR SMITH: We'd like to hear. Send them in.

MR. KAHN: Perfect, will do.

And, then, again, I stated the best thing we could to really grow this market in New Jersey is to get more EVs on the road.

So, thank you for allowing me to comment. Happy to answer any questions, and certainly will follow up with Committee staff.

SENATOR SMITH: Any questions for Mr. Kahn? (no response)

All right, if not, Allison McLeod, for the record, New Jersey League of Conservation Voters -- in favor, no need to testify. Gary Sondermeyer -- in favor, no need to testify. Are you sure you don't want to change your mind?

MR. SONDERMEYER: No.

SENATOR SMITH: OK.

Doug O'Malley, Environment New Jersey -- with amendments, in favor. I guess it's in favor.

DOUG O'MALLEY: Yes, Mr. Chairman, I should have marked the box in favor.

So, I'll keep my testimony relatively brief. I circulated kind of a quick explainer on EV battery technology.

And, I do want to kind of take a little bit of a 30,000-foot view and obviously appreciate the testimony that we just heard from Zach Kahn as well.

I wanted to start off just by clearly stating that EVs are cleaner than our traditional internal combustion engines. They're up to 70% cleaner. And, then, when we think about just the efficiency of those vehicles, EVs, essentially, use 90% of their energy to move the vehicle. You only get up to a third in your traditional kind of gasoline-powered vehicle. What is inefficient, obviously, about EVs is if you are literally taking the battery at the end of its life and then just not doing anything with it.

And, so, this is why this package of bills in front of us you are pushing -- this is exactly the conversation we need to have, because there are supply chains that are being created in other states to be able to handle this. And, this gets at, really, how do we kind of create a market for not only

recycling, but how do we accommodate for the increase in EVs that we're going to see.

So, I did just want to kind of run through, you know, just some of the reality that we are seeing EV battery life increase. EV batteries can last anywhere from 200,000 to up to 500,000 miles. But, they do decrease over time. So, as we -- roughly 4 million EVs on the road right now in the United States, as we start to see that increase over the course of the next decade, we're going to have a lot more batteries and a lot more supply. And, so, we're thinking about this process as similar to kind of in the plastics world, an extended producer responsibility. There is, I think, a comparison between recycled content in with the Extended Producer Responsibility Bill -- which, the comparison, of course, is the EVs are kind of recycled content. You are created -- literally, creating -- a supply, more supply of batteries.

So, what do we do with that? And, I want to reference some of the work we've seen, and Zach referenced Redwood, which is a battery recycler based out of Nevada. They're obviously expanding to the east coast for a reason, and that's because battery technology, one of the expenses on recycling is the transportation. So, if we're literally going to send batteries to Nevada, half of the expense of the recycling process is in the transportation process itself.

And, so, we obviously want to be creating this domestic -- not only domestic supply chain, but a New Jersey supply chain, to be able to recycle EV batteries on site. And, the reason why -- there's a couple reasons.

One, is that it's a lot easier. We're not going to mine for lithium here. But you can, through recycling, get to up to 50% cobalt; up to 50% of nickel; and 25% of lithium. That's projected by the industry. That's

obviously where we want to go to. It's a lot cleaner to recycle than to have extraction.

And, then, if we're also thinking about just the process of not only the recycling process for creating new batteries, there's also a real potential for energy storage. And, I want to kind of emphasize the capability -- this isn't just something that's kind of out there, right, close to \$3 billion in the bipartisan infrastructure law focused on EV battery recycling, and then there are a multitude of companies that have been created to literally harvest EV batteries to use them for energy storage. And, so, we're thinking about the process in front of the Board of Public Utilities right now. They know how to actually get energy storage to exist in the state and not just be up in Yards Creek. This can be part of the solution of creating that, you know, basically in-state supply chain.

Let me just quickly go to kind of the principles that we like to see in the legislation, and, I guess, for the most part, we fully support the intent. We fully-- We would just support some of the amendments -- we would support some of the amendments that Zach was referencing. I want to emphasize some of the ones that I think are the most critical.

One is making sure that just like in kind of pure extended producer responsibility, there is a takeback responsibility for the producers, right. So, we want to make sure there's a requirement. We ultimately think the supply chain will take care of that, right, this won't be that much of a hard sell because, again, batteries are valuable, right? One of the biggest expenses in EVs is obviously the batteries themselves, and they should not be disposed of at the end of life.

And, so, to have clear language saying that they should not go to the landfill; that there's a takeback obligation from the producers; and, to ensure that we're creating a collection system for EV batteries, that makes it easier for both producers and market participants, right? Shipping them to Nevada -- that's not a good idea. So, by being able to kind of create more incentives for an in-state market, we think there are going to be companies that will say, "Look, we want to have our facility in New Jersey and not South Carolina, or Nevada."

So, there's additional information in the testimony I provided, and I am obviously happy to continue the conversation, but thank you for your leadership on pushing this forward.

SENATOR SMITH: Thank you, Doug.

Scot Mackey, Alliance of Automotive Innovation -- opposed to 3373. But, you can talk about anything.

S C O T M A C K E Y: Mr. Chairman, I can briefly talk about all three, as soon as I pull up what they sent me.

Scott Mackey here, on behalf of the Auto Alliance and Innovation. We're a national association based out of Washington, D.C., representing roughly the manufacturers who are responsible for 98% of automobiles sold in the United States today. So, it's all major manufacturers, both domestic and foreign.

We appreciate what is being proposed today. We have been very active on this issue, and, in fact, the gentleman who I wish could have been here to testify before you today -- and, we're trying to set something up with you, Mr. Chairman, to have him speak with you directly -- is a guy by the name of Dan Bowerson. Dan is our battery expert, he's based out of the

Midwest -- out of Chicago -- but he has spent the past two years working with the California Air Resources Board on behalf of the automobile manufacturers trying to address -- and they did develop a plan -- to address the recycling of automotive batteries in California.

And, that plan we think is a great example and a great product that you could use here in New Jersey. You could basically use that same plan and adopt it here in New Jersey. The one thing that it does do is it does put onus -- and, the manufacturers accepted it -- to be sort of the last resort option for batteries. So, if no one will take them, we will take them back. However, what we have come to realize -- and, what you've heard from Tesla and others -- is these batteries are extremely valuable. They are something that folks want to recycle, and they will be recycled.

So, from that standpoint, your plan of putting in a whole process whereby manufacturers will have to develop a specific plan to approve by the DEP, submitted-- In reality, it's going to be more of an onerous requirement on the manufacturers than it would be to promote the sale of electric vehicles in the state and/or promote their battery recycling. The recycling is going to come, it's going to be done, but to put this requirement that we submit all these plans on behalf of individual companies or on behalf of us as a coalition, have the State DEP approve it within a relatively short period of time. In order for us to continue to sell EVs in the State of New Jersey, we just don't think that's a great idea.

We're happy to work with you; we want to work with you on it; we just do have some concerns with that type of approach.

The other issue -- we agree with Tesla on the \$500 issue. Again, we think there is value here already. We don't think the State really needs to be providing additional funds for battery recycling.

And, then, the one other issue -- oh, the plant. Like I said, from our standpoint, the California Air Resources Board did a significant two-year study with all the major players, manufacturers, and environmental organizations, recyclers -- all those players. We think that's really what we recommend you look at as a blueprint to move forward. We don't think we need to recreate it here in New Jersey.

SENATOR SMITH: So, what do they do?

MR. MACKEY: What does California do?

SENATOR SMITH: Yes.

MR. MACKEY: How about I get you the plan, and I have you talk to Dan Bowerson, who spent two years putting it all together with everybody out there?

SENATOR SMITH: Please, get us the plan.

MR. MACKEY: Yes, I will do.

Thank you, sir.

SENATOR SMITH: Thank you, Scot.

Mike Eggerton (*sic*) -- in favor, New Jersey Chamber of Commerce.

I think we're done. Is it 1:00 p.m. already? You know, when you're having fun, time really flies.

And, I don't think there are no more witnesses -- or, are there? Did you put in a slip?

UNIDENTIFIED SPEAKER: (indiscernible)

It's a telepathic slip. All right.

Pam Frank, ChargeEV -- in favor, with amendments.

P A M E L A F R A N K: Thank you, Chairman.

And, I will be brief; it's lunchtime.

I just wanted to recognize, (indiscernible) on behalf of ChargeVC. First of all, we plan and want to work with you on sort of protecting the bill. It has a lot of good ideas.

I agree with a lot of what we've heard today. I don't necessarily think you need to put a fee structure in here, given the value these batteries have.

I just, I did want to note one thing. Which is, I think there's so much interest in storage, that I think a lot of folks have, because it's obviously a key part of how we get to our lower carbon goals. And, we would love to be able to see facilities located in the Garden State. And, we have this fantastic thing called Location, Location, Location on the mid-Atlantic and the northeast, which could be very enticing for companies.

I would just say -- I'm going to echo here what Doug O'Malley said and what Zach Kahn suggested as well -- which is, best (indiscernible) we can do there is more EVs on the road, robust incentives, and just keeping to the commitments that we've made. (indiscernible), too, and adopting that would be very important as well, to encouraging our administration to do that.

So, I wanted to just add that note. I think we'd all like to see the sort of economic development happening in New Jersey, and it's a, "Build it and they will come" kind of an approach.

So, we look forward to working with you on the amendments. We've been discussing these bills with our members, and we will continue to do so, so we can bring you incentives for a lot of different organizations.

SENATOR SMITH: OK, and please, if you can, try to do it expeditiously. We'd like to try and get this done in January (indiscernible).

MS. FRANK: We'd like that, too.

SENATOR SMITH: And, I think that's our last witness.

And, I think that ends this particular episode of (indiscernible).

We're adjourned.

(MEETING CONCLUDED)