

April 24, 2025

Submitted via email to recycledcontent@dep.nj.gov

New Jersey Department of Environmental Protection, Division of Sustainable Waste Management
Mail Code: 401-02C
P.O. Box 420
401 East State Street
Trenton, NJ 08625-0420

RE: New Jersey's Recycled Content Law compliance reports

New Jersey Department of Environmental Protection, Division of Sustainable Waste Management:

AMERIPEN writes to request further clarity from the New Jersey Department of Environmental Protection (NJDEP or “Department”) regarding the approaching compliance reporting deadline for the New Jersey’s Recycled Content Law (P.L. 2021, c. 391) (“Law”).

AMERIPEN appreciates the Department’s response to our letter dated February 5, 2025. However, over two months have passed since the response and there are still unanswered questions and unrealized developments inhibiting producers’ ability to comply with obligations under the Law.

The first-year reports are due July 18, 2025, representing a looming and significant requirement for producers to meet. Producers need sufficient lead time to understand the full scope of what is required in the reports to collect and properly calculate required information, prepare reports, and submit the data.

AMERIPEN submitted a letter to the Department in early February seeking clarity for our members regarding annual compliance report expectations and obligations, among other things. Specifically, AMERIPEN requested more information about the form and manner of reporting, required resin types, granularity of data, penalty expectations and calculations, scope of covered products, requirements related to waivers, and whether “any other information” will be required. The Department responded that it is “currently developing this list of required information” and that it would be posted online and announced when available. Such information has yet to be publicized. It is critical that it be provided to producers as early as possible to ensure they can fully prepare for and execute reporting under the Law. AMERIPEN asks the Department to complete the development of reporting expectations promptly and provide adequate time in advance of any deadline, to ensure producers have time to comply.

Furthermore, the Department stated that **“a date for the submission of compliance reports has not yet been established.** Once this date is finalized, further information will be provided.”

(Emphasis added.) However, the Department’s webpage for the Law currently states:

“Manufacturers are required to submit first-year compliance reports by July 18, 2025, and

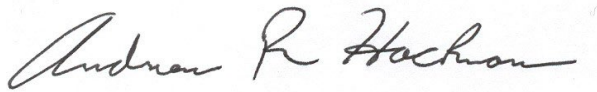
annually thereafter.” (Emphasis added.) If this date (which is based on the provisions of the Law) is no longer the expected reporting date and if the Department is exercising authority to provide additional time for compliance information to be provided, we seek timely explanation as to expectations for July 18, 2025

Finally, AMERIPEN reiterates our members’ concern that the rules and regulations necessary for the implementation of the Law are behind schedule, as the Law required the Department to adopt them within two years of its effective date. This remains another challenge for producers in preparing to meet the Law’s requirements.

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AMERIPEN thanks the Department for its time in reviewing this letter and further consideration of these requests. We share an interest in ensuring the effective implementation of the Law and look forward to working together to achieve that. Please feel free to contact me (ahackman@serlinhaley.com) or Gregory Melkonian by email (gmelkonian@serlinhaley.com) with any feedback or questions.

Respectfully,



Andy Hackman