

CHAPTER 318

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

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

C.58:12A-24.1 Definitions.

1. As used in this act:

“Board” means the Board of Public Utilities.

“Commissioner” means the Commissioner of Environmental Protection.

“Department” means the Department of Environmental Protection.

“Non-investor-owned public community water system” means a public community water system or the owner of a public community water system, as that term is defined by section 3 of P.L.1977, c.224 (C.58:12A-3), that is not investor-owned.

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

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

C.58:12A-24.2 Department of Environmental Protection, Plastics Advisory Council, comprehensive, collaborative study, current feasibility, benefits, microplastics removal technologies, removing microplastics from drinking water; report to Governor, Legislature.

2. a. Within 30 days after the effective date of this act, the Department of Environmental Protection, in consultation with the Plastics Advisory Council established pursuant to section 7 of P.L.2020, c.117 (C.13:1E-99.132) where appropriate, shall commence a comprehensive, collaborative study to evaluate the current feasibility and benefits of the use of microplastics removal technologies by system owners or operators to remove microplastics from drinking water in the State.

The study shall be completed no later than three years after the effective date of this act and shall include the development of a definition of microplastics in drinking water and an evaluation of:

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

(2) the origin and migration of microplastics in the State’s waters and methods for avoiding the accumulation of microplastics in drinking water and other water resources;

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

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

(5) the performance capacity of each type of microplastics removal technology available on the market, including, but not limited to, the capacity of each microplastics removal technology to adequately remove microplastics from drinking water, and the efficiency and efficacy of each such technology;

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

(7) appropriate methods for disposal of microplastics that have been removed from drinking water;

(8) the feasibility and desirability of establishing a grant or financing program or financial incentive system, or of using other available means and methods, such as public-private

partnerships, financial investments, or university involvement, to encourage and incentivize the development and successful deployment of new and effective microplastics removal technologies in the State, with particular attention to the financial needs of non-investor-owned public community water systems; and

(9) the factors that should be considered, and determinations that should be made, by the department when evaluating proposals for microplastics removal projects in the State.

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

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

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

(2) water quality specialists, environmental scientists, toxicologists, public health experts, and other members of appropriate scientific fields;

(3) representatives of the plastics manufacturing industry;

(4) members of the public; and

(5) other relevant and interested parties.

d. No later than three months after the study, pursuant to subsection a. of this section, is concluded, the commissioner shall prepare and submit a written report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, identifying the findings from the study, including any findings and relevant data associated with pilot projects undertaken pursuant to subsection b. of this section, and providing recommendations for legislative, executive, and other actions that should be taken to facilitate, encourage, promote, support, or require the removal of microplastics from drinking water in the State.

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

(1) consistent with the findings set forth in the report, and in coordination with the Department of Health, engage in a public education and awareness campaign, and take other appropriate action, in order to inform system owners or operators and members of the public about:

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

(b) the importance of removing microplastics from drinking water;

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

(d) the State and federal incentives or other financial assistance that are available, if any, to facilitate the development, deployment, and use of new or existing microplastics removal technologies in the State;

(2) establish a process to review and act upon applications for such permits or licenses as may be necessary for the continuation of any pilot projects commenced pursuant to subsection b. of this section and the commencement of new microplastics removal projects by system owners or operators in the State;

(3) if the study finds that consumption of microplastics via drinking water poses a health risk, work with the Drinking Water Quality Institute to conduct the further evaluations of human health effects, testing capabilities, and treatment capacity for microplastics in drinking water necessary to inform future regulatory development by the department; and

(4) consistent with the recommendations contained in the report, and within the limits of funds appropriated to the department, establish grant, financing, incentive, or other programs as necessary to support, incentivize, promote, or facilitate the increased use of effective and efficient new and existing microplastics removal technologies by system owners or operators in the State, with a primary focus on the financial needs of non-investor-owned public community water systems.

f. Recovery in rates by any system owner or operator subject to the rate-setting jurisdiction of the board of any costs associated with studying, piloting, or implementing technologies, processes, or techniques required to meet the goals of the legislation shall be subject to approval by the board.

3. This act shall take effect immediately.

Approved January 16, 2024.