

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 3632
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill No. 3632 (First Reprint) with my recommendations for reconsideration.

This bill would require that non-flushable disposable wipes sold in New Jersey be marked with prominent "Do Not Flush" labels. The bill contains detailed labeling requirements designed to ensure that the labels are clearly visible to consumers. Manufacturers of covered products, as well as wholesalers, suppliers, or retailers who are responsible for product labeling, must ensure that their products are labeled in accordance with these requirements or face penalties of up to \$5,000 for each offense. The bill would give the Department of Environmental Protection ("DEP") and the Division of Consumer Affairs in the Department of Law and Public Safety ("DCA") joint responsibility for enforcing the bill's requirements, and would require the DEP to promulgate rules to implement it.

Non-flushable disposable wipes are made of synthetic materials that do not break down easily. As a result, when these single-use products are flushed down the toilet, they can cause clogs in home and sewer system plumbing, damage wastewater treatment facility machinery, and create significant maintenance and disposal costs for wastewater systems. I commend the sponsors of this bill for taking action to address this issue and establishing labeling requirements that make it clear to New Jersey residents that flushing is not a proper disposal method for these products.

While I am pleased to support this legislation, I am recommending, in consultation with the bill's sponsors, that it be revised to place all enforcement responsibility with DCA and to allow DCA to determine whether rulemaking is necessary to fulfill its obligations. Although DEP is responsible for licensing wastewater system operators and ensuring that wastewater discharges meet standards necessary to protect human health and the environment, this bill involves regulation of consumer products, not wastewater systems, and is therefore properly within the sole authority of DCA.

Therefore, I herewith return Senate Committee Substitute for Senate Bill No. 3632 (First Reprint) and recommend that it be amended as follows:

Page 6, Section 2, Line 8: Delete "Department of Environmental Protection and the"

Page 6, Section 4, Line 28: Delete "Department of Environmental Protection shall" and insert "Division of Consumer Affairs in the Department of Law and Public Safety may"

Page 6, Section 5, Line 34: Delete "Commissioner of Environmental Protection" and insert "Division of Consumer Affairs in the Department of Law and Public Safety"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor