

CHAPTER 308

AN ACT concerning certain plastic construction materials and supplementing Title 13 of the Revised Statutes.

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

C.13:1E-99.158 Definitions; postconsumer recycled content requirements for plastic construction materials; exceptions.

1. a. As used in this section:

"Construction material" means an article, material, or supply that is brought to the site of a construction project for incorporation into the building or work, which meets applicable standards related to performance, and is of a satisfactory quality. "Construction material" includes an item that is brought to the site preassembled from articles, materials, or supplies. "Construction material" does not include any road surface materials or any hazard, caution, or traffic signs, signage, markings, or symbols.

"Construction project" means a project for the construction, reconstruction, rehabilitation, modernization, alteration, conversion, extension, repair, or improvement of buildings, structures, roads, parks, or other real property, or for the production, delivery, or disposal of water, waste, wastewater, energy, fuel, information, or communications.

"Governmental entity" means any agency, board, bureau, commission, department, division, office, publicly owned utility, or other instrumentality of the State or a county or municipality.

"Overall cost" means the total cost of a State-funded construction project, calculated in accordance with any applicable regulations or standards and including the cost of labor, materials, and any other costs.

"Plastic construction material" means a construction material that is made of greater than 50 percent plastic, measured in terms of cost.

"Postconsumer recycled content" means a material or product that has completed its intended end use and product life cycle, and which has been separated from the solid waste stream for the purposes of collection and recycling. "Postconsumer recycled content" shall not include secondary waste material or materials and by-products generated from, and commonly used within, an original manufacturing and fabrication process.

"State-funded construction project" means a construction project supported, in whole or part, by funds granted, loaned, or otherwise provided by the State.

b. Commencing one year after the effective date of this section, a State-funded construction project carried out by a governmental entity shall not incorporate plastic construction material unless the plastic construction material:

(1) contains at least 10 percent postconsumer recycled content, for plastic construction material purchased prior to two years after the effective date of this section; or

(2) contains at least 15 percent postconsumer recycled content, for plastic construction material purchased thereafter.

c. The provisions of subsection b. of this section shall not apply if:

(1) the use of plastic construction materials that meet the provisions of subsection b. of this section would increase the overall cost of the State-funded construction project by 20 percent;

(2) construction materials, other than plastic construction materials that meet the postconsumer recycled content criteria in the provisions of subsection b. of this section, do not exist for the intended application, are not available in sufficient quantities, or are not available within 60 days of the start of construction of the State-funded construction project;

(3) the licensed architect or engineer of record has certified in writing that (a) the use of construction materials that meet the provisions of subsection b. of this section would cause structural integrity issues with the State-funded construction project at issue that are likely to materially and negatively impact the safety of any future occupants of the State-funded construction project, and (b) the structural integrity issues cannot be reasonably mitigated without the use of construction materials that do not meet the provisions of subsection b. of this section; or

(4) the construction is creating residential housing deed restricted as low-income housing or moderate-income housing pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304).

2. The Commissioner of Environmental Protection shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). adopt rules and regulations as necessary to implement this act.

3. This act shall take effect immediately.

Approved January 20, 2026.