

ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

STATEMENT TO ASSEMBLY, No. 3763

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 16, 2026

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 3763.

As amended, this bill, which would be known as the “Construction Containment and Pollution Prevention Act,” requires contractors to take certain steps to mitigate the release and properly dispose of dust, debris, microplastics and other pollutants. The bill requires all contractors to employ physical barriers, vacuum or wet-cutting systems, tarps, enclosures, and inlet filters to prevent dust, debris, microplastics, and other pollutants from escaping a worksite.

This bill requires contractors to employ containment devices, such as vacuum attachments or wet-cutting systems; fully enclosed work areas, tarps or drop cloths; inlet protection, filtration, sediment controls, or equivalent runoff-control measures; and to perform daily cleanup of dust, debris, microplastics, and other pollutants. Under the bill, contractors would be required to prepare, distribute, and periodically update on-site educational materials that explain the bill’s requirements, and illustrate proper device setup, describe health risks and penalties.

Contractors would also be required to inhibit the discharge of any worksite waste into the open air, soil, streets, storm drains, waterways, or other drainage infrastructure and dispose of all materials in accordance with the “Solid Waste Management Act” and applicable local ordinances.

To ensure compliance with the act, the Department of Community Affairs (department), or local construction officials, would be authorized to inspect worksites to enforce the bill’s provisions. In addition, in administering and implementing the bill’s provisions, the department would be authorized to consult with the Department of Environmental protection when necessary. Under the bill, a contractor that violates certain provisions of the bill would be subject to: (1) a warning citation for the first violation; (2) a fine of up to \$1,000 for a second violation; and (3) a fine of up to \$5,000 for each subsequent violation. Each day a violation continues would constitute a distinct and separate offense.

This bill was prefiled for introduction in the 2026-2027 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) revise the definition of “contractor” to mean any person or business entity performing construction, renovation, demolition, or permit-required maintenance that involves a covered activity;

(2) add a definition for the term “covered activity” and replace references to activity in the bill with references to covered activity;

(3) add open air and soil to the list of locations into which a contractor must prevent worksite waste being released;

(4) remove the requirement that contractors meet ASTM-specific inlet filter requirements and instead require contractors, for any covered activity that may result in runoff entering a storm drain, drainage structure, or surface water, to install and maintain inlet protection, filtration, sediment controls, or equivalent runoff-control measures in accordance with standards adopted by the department, in consultation with the Department of Environmental Protection;

(5) stipulate that the Department of Community Affairs may work in consultation with the Department of Environmental Protection in administering and implementing the provisions of the bill; and

(6) require the Department of Community Affairs to work in consultation with the Department of Environmental Protection to adopt rules and regulations relating to the implementation of the bill.