New Jersey's Recycled Content Law – New Requirements and What You Need to Know Now

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If you are subject to New Jersey's Recycled Content Law, there are approaching deadlines of which you should be aware. The Recycled Content Law obligates subject manufacturers to include minimum percentages of postconsumer recycled content in certain containers and packaging that are sold in New Jersey. Containers subject to the law include rigid plastic containers, plastic beverage containers, glass containers, paper and plastic carryout bags and plastic trash bags. This Law sets forth a schedule pursuant to which the percentage of postconsumer recycled product required for certain products increases over time – a so-called phase-in period. The presently applicable recycled content percentages were established in January 2024. The Recycled Content Law also imposes reporting obligations. Registration and compliance reporting are required annually. The reporting period is typically open from September 1 to December 31 each year.

What Are the Important Dates

December 31, 2026 – This year's registration and compliance window will close on December 31, 2026.

- Monitoring data must be entered into the Manufacturer Registration Service and Manufacturers are required to certify compliance each year.

January 18, 2027 – The amount of postconsumer recycled content will increase as of January 18, 2027. The amount of the increase varies according to product. Those products for which the recycled content is increasing and the percentage of recycled material required as of January 18, 2027 are as follows:

- Rigid Plastic Containers: 20%, a 10-percentage point increase over the 2024 requirement.
- Plastic Beverage Containers: 20%, a 5-percentage point increase over the 2024 requirement.
- Plastic Carryout bags: 40%, a 20-percentage point increase over the 2024 requirement.
- Plastic trash bags: 10%, 20%, or 40%, depending on the thickness of the bag, representing increases of 5, 10, and 20 percentage point increases, respectively, over the 2024 requirement.

There are no presently scheduled percentage increases for the current requirements for Glass Containers and Paper Carryout Bags. Also, the five-year exemption for regulated packaging and containers that hold food has been extended by the NJDEP through December 31, 2029.

Conclusion

The Recycled Content Law is complicated and requires a great deal of work to comply not only with the manufacturing demands but also with the enormous amount of data associated with the annual registration and compliance reporting. Moreover, the reach of the Law is broader than might otherwise appear, affecting numerous and sometimes unexpected industries. It is often necessary to obtain data from international operations and suppliers. Sourcing postconsumer content in sufficient quantities to satisfy the percentage requirements of the Law is increasingly challenging. Although the NJDEP has published FAQs that help to clarify certain issues, no formal regulations have been promulgated that would presumably provide additional guidance for compliance.

Porzio's environmental lawyers and governmental affairs professionals have practical experience with the Recycled Content Law and the regulators responsible for its implementation. With key compliance deadlines approaching, contact us to assess how the law affects your operations and identify the steps needed to remain compliant.