

# Details of Bills and Actions Scored

## Incomplete Grades: Critical Major Environmental Actions Stalled



### **S2776 (Smith, Greenstein) / A4330 (Pinkin, Kennedy, McKeon): Plastic Bag Ban**

This bill would institute a statewide ban on plastic bags and polystyrene foam, require food businesses

to only provide straws on demand, and institute a 10 cent fee on paper bags. **PASSED:** Senate Environment; **STALLED:** Assembly Environment and Senate Budget

### **S1700 (Singleton, Weinberg) / A5094 (McKeon, Huttle, Timberlake): Environmental Justice (EJ)**

Would give the NJ Department of Environmental Protection (DEP) the authority to deny a permit application in an EJ community when approval of the permit would constitute an unreasonable and additional risk to the health of communities that have been historically overburdened with pollution. **PASSED:** Senate Environment; **STALLED:** Senate Budget, Assembly Agriculture

### **SCR134 (Greenstein, Bateman) / ACR85 (Pinkin, McKeon, Benson): Green Amendment**

Establishes a constitutional right to a clean and healthy environment including pure water, clean air, and ecologically healthy habitats for every New Jersey resident. **PASSED:** Senate Environment; **STALLED:** Senate Budget, Assembly Agriculture



### **S1783 (Greenstein, Gopal, Lagana) / A2697 (McKeon, Pinkin, Mukherji): Lead Service Line Inventory**

Requires public drinking water systems to compile lead service line inventories

and submit them to the DEP within two years. **PASSED:** Senate Environment, Assembly Floor; **STALLED: Senate Budget**

### **S682 (Bateman) / A3373 (Conaway, Pinkin, Mukherji, Danielson): Statewide Lead Plan**

Requires the DEP to develop and adopt a statewide plan to reduce public exposure to lead in the environment and identify public moneys that could be used to address the state's lead crisis. **PASSED:** Assembly Floor; **STALLED:** Senate Environment



### **S2252 (Smith, Greenstein) / A4819 (Benson, Pinkin, Kennedy): Electric Vehicles**

Sets benchmarks, subsidies, and goals for the number of electric vehicles and

charging stations throughout New Jersey. **PASSED:** Senate Environment; **STALLED:** Senate Budget, Assembly Environment

### **S1405 (Diegnan, Weinberg) / A1823 (Huttle, Benson): 100% Renewable by 2035**

Directs the Board of Public Utilities (BPU) to increase the required percentage for Class I renewable energy sources so that by 2035, 100 percent of the electric power generated and sold in NJ would be from Class I renewable energy sources (like solar, wind, and small hydroelectric). **STALLED:** Senate Environment, Assembly Telecommunications and Utilities

### **S3215 (Greenstein, Singleton) / A4606 (Zwicker, Mukherji, Swain): Underestimating Climate Impacts**

Requires the DEP, BPU, and all state agencies to use a 20-year time horizon in addition to a 100-year horizon to more accurately calculate the global warming potential of greenhouse gases. **PASSED:** Senate Floor, Assembly Environment; **STALLED:** Assembly Floor

### **S1883<sup>1</sup> (Weinberg, Lagana) / A3783 (Pinkin, Calabrese, Huttle, Tully): Railcar Safety**

Requires trains to have discharge response, cleanup, and contingency plans to transport certain hazardous materials, including fracked oil, by rail. **PASSED:** Senate Floor; **STALLED:** Assembly Transportation

### **S1809 (Turner) / A1444 (Benson, Schepisi): Safe Playing Fields**

Restricts the use of the most toxic lawn care pesticides at child care centers and all kindergarten through 8th grade schools. **STALLED:** Senate Environment, Assembly Agriculture

### **S1496<sup>1</sup> (Smith, Greenstein) / A2188 (McKeon): Mercury Switch and Relay Ban**

Restricts the sale and distribution of mercury relays and switches unless there is no safer alternative. **PASSED:** Senate Floor, Assembly Environment; **STALLED:** Assembly Floor

1. Passed both houses in one session under Christie rule.

**Funding:** In addition to a failure to pass pro-environment bills, the legislature has failed to fund critical environmental programs even as the state is feeling the impacts in everything from deteriorating lead pipes to mass transit delays. The Clean Energy Fund and Exxon settlement funds dedicated for specific environmental uses were both raided to fund general budget gaps. The legislature passed a Millionaire's Tax five times under Governor Christie, but now that Governor Murphy is ready to sign it and despite strong public support, legislative leadership has not allowed the bill to move.

Even procedural bills<sup>2</sup> that allocate funding for open space and natural resource damages divert funds from underfunded parks and toxic waste clean up programs to projects that benefit less directly impacted areas and populations. The Legislature needs to pass a budget that contains the Millionaire's Tax, stops raiding dedicated funds, and properly invests in our state's environmental programs before the end of the year.

**Appointments:** Gubernatorial appointments that require the NJ State Senate confirmation are also currently stalled. The Pinelands Commission and Highlands Council are responsible for more than 1.79 million acres (32% of NJ's total area). The Pinelands Commission is charged with protecting the Pinelands, an internationally recognized, ecologically unique biosphere with a 17 trillion gallon aquifer underneath it. The Highlands Region is the source of drinking water for more than half of New Jersey's residents. It is critical that these two bodies have the pro-environment commissioners needed to protect these vital and valuable resources. The Senate has failed to consider the four appointments made by Governor Murphy for the Pinelands in 2019. In addition, over the summer, the governor made three appointments to the Highlands Council. The Senate needs to act on these appointments by the end of the year.

## Failing Grades: Flawed and Anti-Environmental Bills That Passed the Legislature

### S2313 / A3724: Nuclear Bailout

This bill passed in April 2018 with a deceptively-named "Zero Emission Credit" (ZEC), a \$300 million annual ratepayer subsidy for New Jersey's three nuclear power plants. While supporters pitched it as urgently needed to address climate change, opponents argued PSE&G hadn't demonstrated the bailout of the plants or the power produced by the plants were needed. On April 18, 2019, the BPU awarded the ratepayer bailout even though the Board agreed with opponents that it was not necessary.

### S2314 / A3723: Clean Energy Act

This was described as urgently addressing the climate crisis, but was designed to be a green cover for the disastrous nuclear bailout bill that passed both houses that same day. Though the bill does contain some strong positives, like establishing community solar programs, mandates for energy efficiency, and requiring that New Jersey gets more than half of its electricity from renewable sources by 2030, it attacked the solar industry by imposing cost caps on solar but not on any other form of energy generation (like nuclear and natural gas).

### S879 / A3116: Hazardous Waste Facility Definition

This bill was a gift to Dupont Chemical Corporation to benefit one of its facilities by changing the definition of what qualifies as an "existing major waste facility."

### S2600 / A3267: Plastic Bag Fee

This bill sought to reduce plastic pollution by charging a 5 cent fee on single-use carry out bags. Research has shown a 5 cent fee does not actually reduce plastic bag waste, and funds raised from the fee would not have been dedicated to a particular environmental or plastic reduction program. The bill also forbade towns from taking stronger action than the state, thus blocking them from establishing more effective bag bans.

### S3207 / A4821: Global Warming Response Act (GWRA) Updates

This bill reset missed deadlines for the original 2007 Global Warming Response Act. Senate floor amendments eliminated requirements to develop a comprehensive strategy to reduce short lived climate and potent air pollutants like methane and black carbon.

### S4039 / A3726: Food Waste

This bill would require large scale food waste generators to separate and divert waste for composting and food digesters. Unfortunately, amendments were added on the floor to exempt incinerators and landfills, stifling the development of commercial composting, subsidizing NJ's three incinerators (Newark, Camden, or Rahway), and increasing the pollution burden of those already overburdened communities.

2. S3110 / A4578: Natural Resource Damages Funding and S2920 / A4477: Open Space Funding — both technically successfully passed, but fell short of doing as much good as they could do.