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ADOPTIONS SECTION

ENVIRONMENTAL PROTECTION

AIR, ENERGY, AND MATERIALS SUSTAINABILITY

SINGLE-USE PAPER AND PLASTIC CARRYOUT BAGS AND POLYSTYRENE

FOAM FOOD SERVICE PRODUCTS PROGRAM

Notice of Administrative Change

Exemption Extension for Polystyrene Foam Food Service Products

N.J.A.C. 7:26L-1.6

Effective Date: March 12, 2026.

Take notice that the New Jersey Department of Environmental Protection (Department) is extending the exemption for the polystyrene foam products listed at N.J.A.C. 7:26L-1.6, Exemptions. These products include:

1. A tray used for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance;
2. A food product pre-packaged by the manufacturer in a polystyrene foam food service product;
3. A polystyrene foam food service product, used for the health or safety of a patient or resident of a hospital, nursing home, or correctional facility; and
4. Any other polystyrene foam food service product as determined necessary by the Department.

N.J.A.C. 7:26L-1.6(b) allows the Department to extend an exemption for up to one year if the Department determines that there continues to be no cost-effective and readily available

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alternative for the polystyrene foam food service product. Based on the Department's research and feedback received from stakeholders, the Department has determined that there is no cost-effective and readily available alternative for the polystyrene foam products listed at N.J.A.C. 7:26L-1.6(a). For this reason, the Department, at its own initiative, is extending the exemptions for an additional year from May 4, 2026, to May 4, 2027.

A copy of this notice is also available on the Department's website at www.nj.gov/dep/dshw.

Full text of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

7:26L-1.6 Exemptions

(a) The following products are exempt from the prohibitions at N.J.A.C. 7:26L-1.3 until May 4, [2026] **2027**:

1.-4. (No change.)

(b) (No change.)