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**To:** Senate Environment and Energy Committee  
**From:** Eric Blomgren, Chief Administrator & Director of Government Affairs  
New Jersey Gasoline, Convenience Store, Automotive, Association

**Re:** Oppose S-3195 “Prohibits food service businesses from providing single-use plastic utensils and condiments to customers, except upon request, and requires certain food service businesses to provide reusable, washable utensils to customers eating on site.”

On behalf of the convenience stores we represent, many of them small independent businesses, we must oppose this bill as introduced, which if complied with will just add to the burdens of the employees working at these small businesses.

By specifying that condiment packets and utensils cannot be provided to customers without their “express request”, the bill prevents stores from offering these free supplementary items on a simple self-serve basis.

All this will do is burden everyone involved—the consumer, the retail employee, the store manager, the store owner, and the enforcement officials who are supposed to be regularly visiting thousands of businesses to enforce compliance across hundreds of interactions per day per location. The entire point of a convenience store is, ultimately, *convenience*. Customers want to be in and out of the store as fast as possible, and the owners of the store want that too. Customer surveys have found the typical c-store customer is only inside the building for under 4 minutes. Often there is just one employee manning the register, restocking the shelves, cleaning up spills, all while keeping an eye out for shoplifting.

It does so with no meaningful improvement to the environment or the waste stream, since people are still walking away with the same items single-use they wanted. In fact, it could increase the waste stream if the employee just grabs a handful of condiment packets so the customer can be on their way, whereas if the customer was selecting their own quantity, they will know exactly how much ketchup they wanted.

I do understand the desire to cut down on waste by making sure items are no longer being given to customers who did not want them and will likely throw them immediately in the trash. Allowing consumers to grab the items they need and want still eliminates that waste source, it just does so in a way that is easier for everyone involved.

In the two and half years since a similar plan was made law for plastic straws, we have seen vast noncompliance at all but the most directly run corporate chains. These attempts to use state statute to micromanage basic human interaction are not sustainable and in practice not enforceable. Indeed, it would be worthwhile to amend this bill further and allow plastic straws to be self-serve as well.

Most residents, it seems, do not believe there is a meaningful distinction between directly taking what you need versus bothering an employee for it. It takes longer, it is an inconvenience, and it leads to mistakes like being given the spicy mustard when they wanted the honey mustard. Sometimes the employee who would be asked to fulfill the condiment and utensil order is someone for whom English is a second language, and some customers are much less polite than others.

Additionally, the \$1,000 first offense fine set by the bill is too large. A penalty of \$250 a day is still a serious enough penalty for a small business. The 2021 law regulating straws and bags offered just a warning for a first offense. Offering just a warning for a first offense of this bill would be fair, since as with the law on straws, many will think that allowing self-serve items meets the intent of the bill.

Unless the bill is amended to continue to allow self-serve access to condiments and utensils, I ask that you not release the bill from Committee. Thank you.

