S T A T E  O F  N E W  Y O R K

4057--A

2011-2012 Regular Sessions

I N  S E N A T E

March 16, 2011

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to polystyrene loosefill packaging material

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 29 to read as follows:

TITLE 29

POLYSTYRENE LOOSEFILL PACKAGING MATERIAL

SECTION 27-2901. POLYSTYRENE LOOSEFILL PACKAGING MATERIAL.

S 27-2901. POLYSTYRENE LOOSEFILL PACKAGING MATERIAL.

1. FOR THE PURPOSES OF THIS TITLE, THE FOLLOWING DEFINITIONS SHALL APPLY:

(A) "MANUFACTURER" MEANS A PERSON WHO MANUFACTURES LOOSEFILL PACKAGING MATERIAL COMPOSED OF EXPANDED POLYSTYRENE.

(B) "RECYCLED MATERIAL" MEANS MATERIAL FROM ANY OF THE FOLLOWING THAT HAS BEEN DIVERTED FROM LANDFILL DISPOSAL INCLUDING:

(I) MATERIAL DERIVED FROM A FINISHED POLYSTYRENE PRODUCT THAT HAS COMPLETED ITS INTENDED END USE AND PRODUCT LIFE CYCLE.

(II) MATERIAL DERIVED FROM A BLEMISHED, FLAWED, OR OTHERWISE UNUSABLE FINISHED POLYSTYRENE PRODUCT.

(III) MATERIAL DERIVED FROM MANUFACTURING AND FABRICATION SCRAP FROM PRODUCTION OF A FINISHED POLYSTYRENE PRODUCT.

(C) "WHOLESALER" MEANS A PERSON WHO PURCHASES EXPANDED POLYSTYRENE LOOSEFILL PACKAGING FOR RESALE IN THIS STATE.

2. EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, A WHOLESALER OR MANUFACTURER

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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SHALL NOT SELL OR OFFER FOR SALE IN THIS STATE EXPANDED POLYSTYRENE LOOSEFILL PACKAGING MATERIAL.

3. SUBDIVISION TWO OF THIS SECTION SHALL NOT APPLY TO EXPANDED POLYSTYRENE LOOSEFILL PACKAGING MATERIAL COMPOSED OF EXPANDED POLYSTYRENE THAT COMPLIES WITH THE FOLLOWING REQUIREMENTS:

(A) ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, INCLUSIVE, IT IS COMPRISED OF AT LEAST SIXTY PERCENT RECYCLED MATERIAL.

(B) ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHTEEN, INCLUSIVE, IT IS COMPRISED OF AT LEAST EIGHTY PERCENT RECYCLED MATERIAL.

(C) ON AND AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, IT IS COMPRISED OF ONE HUNDRED PERCENT RECYCLED MATERIAL.

S 2. This act shall take effect immediately.