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I N   A S S E M B L Y

May 29, 2012

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Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the recycling of film plastic

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

1     Section 1. Section 27-2701 of the environmental conservation law, as  
2 added by chapter 641 of the laws of 2008, is amended by adding a new  
3 subdivision 7 to read as follows:

4     7. "FILM PLASTIC" MEANS UNCONTAMINATED NON-RIGID FILM PLASTIC PACKAG-  
5 ING PRODUCTS COMPOSED OF PLASTIC RESINS, WHICH INCLUDE, BUT ARE NOT  
6 LIMITED TO, NEWSPAPER BAGS, DRY CLEANING BAGS AND SHRINK-WRAP.

7     S 2. Subdivision 1 of section 27-2703 of the environmental conserva-  
8 tion law, as added by chapter 641 of the laws of 2008, is amended to  
9 read as follows:

10    1. The operator of a store shall establish an at-store recycling  
11 program pursuant to the provisions of this title that provides an oppor-  
12 tunity for a customer of the store to return to the store clean plastic  
13 carryout bags AND FILM PLASTIC.

14    S 3. Subdivisions 2, 3 and 4 of section 27-2705 of the environmental  
15 conservation law, as added by chapter 641 of the laws of 2008, are  
16 amended to read as follows:

17    2. a plastic carryout bag collection bin that is visible, easily  
18 accessible to the consumer, and clearly marked that the collection bin  
19 is available for the purpose of collecting and recycling plastic carry-  
20 out bags AND FILM PLASTIC. This subdivision shall apply to stores not  
21 within an enclosed shopping mall and stores of at least fifty thousand  
22 square feet within an enclosed shopping mall. In the case of an enclosed  
23 shopping mall, the owner of the enclosed mall shall place bins at  
24 reasonable intervals throughout the enclosed mall area;

25    3. all plastic carryout bags AND FILM PLASTIC collected by the store  
26 to be collected, transported and recycled along with any other in-store  
27 plastic recycling, except for plastic bags that are not sufficiently  
28 free of foreign material to enter the recycling stream. Plastic carryout

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

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1 bags AND FILM PLASTIC collected by the store or the manufacturer, which  
2 are free of foreign material, shall not be disposed of in any solid  
3 waste disposal facility permitted or authorized pursuant to title seven  
4 of this article;

5 4. the store or its agent to maintain, for a minimum of three years,  
6 records describing the collection, transport and recycling of plastic  
7 carryout bags AND FILM PLASTIC collected by weight, provided however  
8 that stores or its agents may weigh such bags, FILM PLASTIC and any  
9 other in-store plastic recycling at a regional collection center. Such  
10 records shall be made available to the department upon request, to  
11 demonstrate compliance with this title; and

12 S 4. Subdivision 1 of section 27-2707 of the environmental conserva-  
13 tion law, as added by chapter 641 of the laws of 2008, is amended to  
14 read as follows:

15 1. When the manufacturer accepts plastic carryout bags AND FILM PLAS-  
16 TIC for return, it or its agent shall maintain, for a minimum of three  
17 years, records describing the collection, transport and recycling of  
18 plastic carryout bags AND FILM PLASTIC collected by weight, provided  
19 that the manufacturer or its agents may weigh such bags, FILM PLASTIC  
20 and any other plastic resins at a regional collection center. Such  
21 records shall be made available to the department upon request, to  
22 demonstrate compliance with this title.

23 S 5. Section 27-2709 of the environmental conservation law, as added  
24 by chapter 641 of the laws of 2008, is amended to read as follows:  
25 S 27-2709. Department responsibility.

26 1. The department shall develop educational materials to encourage the  
27 reduction, reuse and recycling of plastic carryout bags AND FILM PLASTIC  
28 and shall make those materials available to stores required to comply  
29 with this article.

30 2. The department shall provide information regarding the availability  
31 of recycling facilities and companies that recycle plastic bags AND FILM  
32 PLASTIC, including the addresses and phone numbers of such facilities  
33 and companies to stores required to comply with this article.

34 S 6. This act shall take effect on the sixtieth day after it shall  
35 have become a law.