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

6145

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

Introduced by M. of A. SWEENEY, COOK, REILLY, JAFFEE, ROSENTHAL -- Multi-Sponsored by -- M. of A. GLICK, ROBINSON, SCHIMEL, THIELE -- read once and referred to the Committee on Environmental Conservation

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 THIRTEEN, A WHOLESALER OR MANUFACTURER SHALL NOT SELL OR OFFER FOR SALE IN THIS STATE EXPANDED POLYSTYRENE LOOSEFILL PACKAGING MATERIAL.

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

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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 THIRTEEN, UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN, INCLUSIVE, IT IS COMPRISED OF AT LEAST SIXTY PERCENT RECYCLED MATERIAL.

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

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

S 2. This act shall take effect immediately.