

4057

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

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:

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

3 TITLE 29

4 POLYSTYRENE LOOSEFILL PACKAGING MATERIAL
5 SECTION 27-2901. POLYSTYRENE LOOSEFILL PACKAGING MATERIAL.

6 S 27-2901. POLYSTYRENE LOOSEFILL PACKAGING MATERIAL.

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

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

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

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

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

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

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

21 2. EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, ON AND
22 AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, A WHOLESALE OR MANUFACTURER
23 SHALL NOT SELL OR OFFER FOR SALE IN THIS STATE EXPANDED POLYSTYRENE
24 LOOSEFILL PACKAGING MATERIAL.

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

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

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

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

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

12 S 2. This act shall take effect immediately.