

4138--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 1, 2013

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Introduced by M. of A. ENGLEBRIGHT, COOK, WEISENBERG -- Multi-Sponsored by -- M. of A. COLTON, CYMBROWITZ, DINOWITZ -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- 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:

1     Section 1. Article 27 of the environmental conservation law is amended  
2 by adding a new title 28 to read as follows:

3                                   TITLE 28

4                   POLYSTYRENE LOOSEFILL PACKAGING MATERIAL  
5 SECTION 27-2801. POLYSTYRENE LOOSEFILL PACKAGING MATERIAL.

6 S 27-2801. 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.

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

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1 2. EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, ON AND  
2 AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, A WHOLESALE OR MANUFACTURER  
3 SHALL NOT SELL OR OFFER FOR SALE IN THIS STATE EXPANDED POLYSTYRENE  
4 LOOSEFILL PACKAGING MATERIAL.

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

8 (A) ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, UNTIL DECEMBER  
9 THIRTY-FIRST, TWO THOUSAND SEVENTEEN, INCLUSIVE, IT IS COMPRISED OF AT  
10 LEAST SIXTY PERCENT RECYCLED MATERIAL.

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

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

16 S 2. This act shall take effect immediately.