

871--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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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:

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 SEVENTEEN, A WHOLESALE OR MANUFACTUR-

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

LBD04604-02-3

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

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

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

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

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

14 S 2. This act shall take effect immediately.