

STATE OF NEW YORK

7977

IN SENATE

January 4, 2024

Introduced by Sen. MAY -- 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 banning the use of polystyrene foam docks, buoys and floating structures

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 34 to read as follows:

3 TITLE 34

4 POLYSTYRENE FOAM DOCKS BAN

5 Section 27-3401. Definitions.

6 27-3403. Prohibition on polystyrene docks, buoys, and floating
7 structures.

8 27-3405. Use of expanded, extruded, or rigid polystyrene foam in
9 proximity to water.

10 27-3407. Nuisance.

11 § 27-3401. Definitions.

12 For the purposes of this title, the following terms shall have the
13 following meanings:

14 1. "Buoy" means any float or marker that is attached to a mooring
15 anchor and either is suitable for attachment to a boat through the use
16 of a pennant or other device or facilitates the attachment of the boat
17 to the mooring anchor.

18 2. "Dock" means an unenclosed structure secured to land, land under
19 waters, a mooring, or a floating structure that is used for mooring
20 boats or for recreational activities, such as a swimming, fishing, or
21 sunbathing platform. A dock includes a structure that is partially
22 enclosed or has two or more levels.

23 3. "Encapsulated" means a protective covering or physical barrier
24 between the polystyrene device and the water.

25 4. "Expanded polystyrene foam" means a thermoplastic petrochemical
26 material utilizing the styrene monomer that is processed according to

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

LBD11963-02-3

1 multiple techniques including fusion of polymer spheres, injection mold-
2 ing, form molding, and extrusion-blow molding.

3 5. "Extruded polystyrene foam" means polystyrene foam manufactured via
4 an extrusion process where plastic resin and other additives are
5 combined and extruded through a die, before cooling and expanding into
6 its final shape.

7 6. "Rigid polystyrene" means plastic made from rigid polystyrene resin
8 that has not been expanded, extruded, or foamed.

9 7. "Floating structure" means a structure constructed on or in waters
10 of the state that is supported by flotation and is secured in place by a
11 piling or mooring anchor, including boathouses, fueling structures,
12 navigation markers, floating homes, marinas, walkways, or boarding plat-
13 forms.

14 § 27-3403. Prohibition on polystyrene docks, buoys, and floating struc-
15 tures.

16 1. Beginning one year after the effective date of this title, no
17 person shall sell, offer to sell, or distribute docks, buoys, or float-
18 ing structures made with expanded polystyrene foam, extruded polystyrene
19 foam, or rigid polystyrene.

20 2. Unused or significantly degraded polystyrene docks, buoys, and
21 floating structures shall be removed from the waters of the state and
22 shall be disposed of in a manner determined by the commissioner.

23 3. Polystyrene docks, buoys, and floating structures currently in use
24 and of good condition shall be encapsulated completely by a physical
25 barrier between the expanded, extruded, or rigid polystyrene and the
26 water. Small gaps up to three quarters of an inch diameter ballast holes
27 are permitted in the physical barrier or covering provided they are 0.1
28 percent or less of the square footage of the buoy, dock, or floating
29 structure.

30 All materials and methods of encapsulation shall provide an effective
31 physical barrier between the expanded, extruded, or rigid polystyrene
32 foam and the water for a period not less than ten years. Any fasteners
33 used to hold encapsulation materials together shall be effectively
34 treated or be of a form resistant to corrosion and decay.

35 4. Use of unencapsulated polystyrene docks, buoys, and floating struc-
36 tures shall be prohibited one year after the effective date of this
37 title.

38 § 27-3405. Use of expanded, extruded, or rigid polystyrene foam in prox-
39 imity to water.

40 No person shall sell, offer to sell, or distribute any of the follow-
41 ing products in or on the waters of the state or within two hundred
42 fifty feet of waters of the state if the product is composed entirely or
43 in part of expanded, extruded, or rigid polystyrene foam unless the
44 product is encapsulated by a protective covering or is designed to
45 prevent the expanded, extruded, or rigid polystyrene foam from disinte-
46 grating into the water:

47 1. coolers, ice chests, or similar containers;

48 2. pool toys, beach toys, or swimming aids; or

49 3. buoys, docks, or floating structures.

50 § 27-3407. Nuisance.

51 The use of unencapsulated expanded, extruded, or rigid polystyrene as
52 a buoy, dock, or floating structure is a nuisance and public health
53 hazard and may be prosecuted according to the laws, rules, regulations,
54 and codes set forth by the commissioner pursuant to this chapter.

55 § 2. This act shall take effect immediately.