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:

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 34 to read as follows:

TITLE 34

POLYSTYRENE FOAM DOCKS BAN

Section 27-3401. Definitions.

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

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

27-3407. Nuisance.

§ 27-3401. Definitions.

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

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

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

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

4. "Expanded polystyrene foam" means a thermoplastic petrochemical 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

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

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

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

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

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

1. Beginning one year after the effective date of this title, no person shall sell, offer to sell, or distribute docks, buoys, or floating structures made with expanded polystyrene foam, extruded polystyrene foam, or rigid polystyrene.

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

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

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

4. Use of unencapsulated polystyrene docks, buoys, and floating structures shall be prohibited one year after the effective date of this title.

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

No person shall sell, offer to sell, or distribute any of the following products in or on the waters of the state or within two hundred fifty feet of waters of the state if the product is composed entirely or in part of expanded, extruded, or rigid polystyrene foam unless the product is encapsulated by a protective covering or is designed to prevent the expanded, extruded, or rigid polystyrene foam from disintegrating into the water:

1. coolers, ice chests, or similar containers;

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

3. buoys, docks, or floating structures.

§ 27-3407. Nuisance.

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

§ 2. This act shall take effect immediately.