

# STATE OF NEW YORK

8142--A

2023-2024 Regular Sessions

## IN ASSEMBLY

October 13, 2023

Introduced by M. of A. KELLES, LEVENBERG -- 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 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:

### TITLE 34

#### POLYSTYRENE FOAM DOCKS BAN

5 Section 27-3401. Definitions.

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

8 § 27-3401. Definitions.

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

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

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

20 3. "Expanded polystyrene foam" means a thermoplastic petrochemical  
21 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.

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

3 4. "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 5. "Rigid polystyrene" means plastic made from rigid polystyrene resin  
8 that has not been expanded, extruded, or foamed.

9 6. "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 Beginning January first, two thousand twenty-six, no person shall  
17 sell, offer to sell, or distribute docks, buoys, or floating structures  
18 made with expanded polystyrene foam, extruded polystyrene foam, or rigid  
19 polystyrene.

20 § 2. This act shall take effect immediately.