STATE OF NEW YORK

9047--B

Cal. No. 224

2025-2026 Regular Sessions

IN ASSEMBLY

September 5, 2025

Introduced by M. of A. KELLES, OTIS, DINOWITZ, GONZALEZ-ROJAS, SHRESTHA, CRUZ, LEVENBERG, SIMON, GLICK, KIM, COLTON, SCHIAVONI -- 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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the environmental conservation law, in relation to banning the use of unencapsulated foam flotation in 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

UNENCAPSULATED FOAM FLOTATION BAN

Section 27-3401. Definitions.

27-3403. Prohibition on unencapsulated foam flotation in docks, buoys, and floating structures.

§ 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

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

LBD03415-07-6

sunbathing platform. A dock includes a structure that is partially enclosed or has two or more levels.

3. "Foam flotation" means any material, substance, or combination of materials or substances used to provide buoyancy for a dock, buoy, floating structure, or overwater structure that consists in whole or in part of a foamed, expanded, blown, injected, sprayed, molded, or otherwise gas-filled polymeric or plastic material, whether rigid, semi-rigid, or flexible, including but not limited to:

(a) expanded polystyrene or extruded polystyrene;

(b) expanded or foamed polyethylene or polypropylene;

(c) polyurethane foam, including spray-applied, poured-in-place, or injected foam; and

(d) any other plastic, polymeric, or synthetic foam material designed or used to provide flotation or buoyancy by entrapping air or gas within a cellular structure.

4. "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 unencapsulated foam flotation docks, buoys, and floating structures.

No person shall sell, offer to sell, or distribute docks, buoys, or floating structures utilizing foam flotation that is not fully encapsulated in a durable shell or barrier that prevents exposure and degradation into the environment of such foam flotation.

§ 2. This act shall take effect two years after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.