

STATE OF NEW YORK

1129--A

2025-2026 Regular Sessions

IN SENATE

January 8, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- 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 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:

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

UNENCAPSULATED FOAM FLOTATION BAN

3 Section 27-3401. Definitions.

4 27-3403. Prohibition on unencapsulated foam flotation in docks,
5 buoys, and floating structures.

6 § 27-3401. Definitions.

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

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

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

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

LBD03415-03-6

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

7 (a) expanded polystyrene or extruded polystyrene;

8 (b) expanded or foamed polyethylene or polypropylene;

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

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

14 4. "Floating structure" means a structure constructed on or in waters
15 of the state that is supported by flotation and is secured in place by a
16 piling or mooring anchor, including boathouses, fueling structures,
17 navigation markers, floating homes, marinas, walkways, or boarding plat-
18 forms.

19 § 27-3403. Prohibition on unencapsulated foam flotation docks, buoys,
20 and floating structures.

21 Beginning January first, two thousand twenty-seven, no person shall
22 sell, offer to sell, or distribute docks, buoys, or floating structures
23 utilizing foam flotation that is not fully encapsulated in a durable
24 shell or barrier that prevents exposure and degradation into the envi-
25 ronment of such foam flotation.

26 § 2. This act shall take effect immediately.