NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A2097
SPONSOR: Kavanagh

TITLE OF BILL: An act to amend the environmental conservation law, in relation to food service waste reduction

PURPOSE: The purpose of the bill is to discourage the use of disposable Styrofoam food service ware by any person or entity that has a contract with an agency or municipality, and to study the feasibility of a Styrofoam ban in New York State

SUMMARY OF PROVISIONS: Section 1 of the bill establishes the short title of the legislation as the "food service waste reduction act."

Section 2 of the bill amends article 27 of the environmental conservation law by adding a new title 28 which would require that any state department, agency, board, public benefit corporation, public authority, commission, municipality, and their contractors and lessees use food service ware made from material other than polystyrene foam, unless there is no compostable or recyclable alternative available at a price not more than 15 percent higher.

Section 3 of the bill requires the Department of Environmental Conservation to conduct a study on the desirability, feasibility and environmental impact of a statewide ban on the use of disposable Styrofoam food service ware.

Section 4 of the bill establishes the effective date.

JUSTIFICATION: Styrofoam is a liquid hydrocarbon that is commercially manufactured from petroleum, a quickly disappearing commodity. Each year Americans throw away 25,000,000 Styrofoam cups, or 1,369 tons of Styrofoam products every day. A single Styrofoam cup can take up to 500 years to fully disintegrate.

Styrofoam is a notorious pollutant that is very difficult to recycle due to its light weight and low scrap value. It is generally not accepted in curbside programs, is seldom able to be reused, takes up a considerable amount of space in landfills, and takes a very long time to fully decompose. Due to the physical properties of Styrofoam, the United States Environmental Protection Agency states "that such materials can have serious impact on human health, wildlife, and the aquatic environment," because the product breaks down and can clog waterways, or to be mistaken for food by wildlife.

One of the components of Styrofoam, styrene is a known hazardous substance which is a suspected carcinogen and neurotoxin. Many people do not realize that when they re-heat food in a Styrofoam product using a microwave, toxins may be released into their food.

This bill would address the environmental impacts of Styrofoam while allowing for exceptions in cases where there is no viable alternative product of comparable cost.

LEGISLATIVE HISTORY:
2010: A00428A (Kavanagh) - Passed Assembly
2009: A00428 (Kavanagh) - Passed Assembly
2008: A11466A (Kavanagh) - Rules

FISCAL IMPACT ON THE STATE: Minimal.

EFFECTIVE DATE: This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect on the one hundred twentieth day after it shall have become a law.