



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

FOR IMMEDIATE RELEASE: January 8, 2015

CONTACT: pressoffice@cityhall.nyc.gov, (212) 788-2958

DE BLASIO ADMINISTRATION BANS SINGLE-USE STYROFOAM PRODUCTS IN NEW YORK CITY BEGINNING JULY 1, 2015

Department of Sanitation Determines Expanded Polystyrene Foam Not Recyclable

NEW YORK – The de Blasio Administration today announced that as of July 1, 2015, food service establishments, stores and manufacturers may not possess, sell, or offer for use single service Expanded Polystyrene (EPS) foam articles or polystyrene loose fill packaging, such as “packing peanuts” in New York City.

After consultation with corporations, including Dart Container Corporation, non-profits, vendors and other stakeholders, the Department of Sanitation (DSNY), has determined that Expanded Polystyrene (EPS) Foam cannot be recycled, which led to the ban. DSNY also determined that there currently is no market for post-consumer EPS collected in a curbside metal, glass, and plastic recycling program. As a result of the ban, manufacturers and stores may not sell or offer single-use foam items such as cups, plates, trays, or clamshell containers in the City. The sale of polystyrene loose fill packaging, such as “packing peanuts” is also banned.

“These products cause real environmental harm and have no place in New York City. We have better options, better alternatives, and if more cities across the country follow our lead and institute similar bans, those alternatives will soon become more plentiful and will cost less,” said **Mayor Bill de Blasio**. “By removing nearly 30,000 tons of expanded polystyrene waste from our landfills, streets and waterways, today’s announcement is a major step towards our goal of a greener, greater New York City.”

“While much of the waste we produce can be recycled or reused, polystyrene foam is not one of those materials,” said **Sanitation Commissioner Kathryn Garcia**. “Removing polystyrene from our waste stream is not only good for a greener, more sustainable New York, but also for the communities who are home to landfills receiving the City’s trash.”

“NYC is now the largest city in the country to ban EPS foam, and we hope this will inspire others to do the same. This ban will improve our rivers and waterfront and ultimately the Atlantic Ocean with its rich fisheries and marine life,” said **Director of the Mayor’s Office of Sustainability Nilda Mesa**. “The ban on EPS foam products marks another step forward as we work toward an even greener, more sustainable NYC -- from cleaner air and dramatically reduced emissions, to now ending the sale and use of non-biodegradable products like EPS foam. As New Yorkers, we all breathe the same air and drink from the same water supply; we must leave a legacy that will make our kids proud.”

The determination was made after considering environmental effectiveness, economic feasibility, and safety for employees of DSNY and Sims Municipal Recycling, the City’s recycling processor. The analysis was based on a recycling strategy that would have incorporated EPS into the current metal, glass, plastic & carton commingled collection program and that would not create a separate collection or sorting program.

Local Law 142, passed by the City Council in December 2013, required the sanitation commissioner to determine “whether EPS single service articles can be recycled at the designated recycling processing facility at the South Brooklyn Marine Terminal in a manner that is environmentally effective, economically feasible, and safe for employees.” Under the law, if EPS is not found to be recyclable, it must be banned.

The law allows businesses a six month grace period from when the law goes into effect – January 1, 2016 – before fines can be imposed. DSNY, the Department of Health and Mental Hygiene, and the Department of Consumer Affairs will conduct outreach and education in multiple languages to businesses throughout all five boroughs during this period. For the first year of the ban, businesses will be given a warning in lieu of a fine.

Non-profits and small businesses with less than \$500,000 in revenue per year may apply for hardship exemptions from the Department of Small Business Services (SBS) if they can prove that the purchase of alternative products not composed of EPS would create undue financial hardship. SBS will begin accepting applications for hardship waivers in March 2015.

In accordance with the City’s new policy, DOE will begin replacing foam trays with compostable plates on May 1st. All school meals will be served on these compostable plates starting in September. All summer meals will also be served on compostable plates.

“DOE is excited to be part of the City’s new environmentally conscious polystyrene policy,” said **Schools Chancellor Carmen Fariña**. “We are replacing polystyrene trays with compostable plates for the 2015 – 16 school year to meet this ban.”

“For too long polystyrene foam has been mischaracterized as a safe, and economically sound choice for packaging when it is in fact a great threat to the city’s ecosystem and our commitment to environmental sustainability,” said **Council Member Donovan Richards, Chair to the Committee on Environmental Protection**. “I applaud the mayoral administration’s decision to finally ban the use of plastic foam, and look forward to the widespread use of renewable and recyclable materials for packaging.”

“As Chair of the Committee on Sanitation, I firmly believe and have made every effort to ensure that the Department of Sanitation recycles or reuses as many materials as possible. However, I support the Administration’s determination that polystyrene foam cannot be recycled, and look forward to working with the City to do aggressive outreach to businesses and non-profits about this new law,” said **Antonio Reynoso, Council Member, Chair of Sanitation Committee**.

“We wholeheartedly support the Council’s continued commitment to environmental responsibility by banning plastic-foam. We have received data confirming harmful effects of Styrofoam on our environment which proves it is impossible to recycle. New York City will now join dozens of other cities nationwide making this smart move, and we can today be a positive example to many other cities considering this ban. We see a responsibility to future generations to reduce harmful substances such as thermoplastic petrochemicals from our landfills,” stated **the Black, Latino and Asian Caucus of the New York City Council**.

“We welcome the de Blasio administration’s decision to move forward with a prohibition on polystyrene foam cups and food containers – a move that is economically justified and environmentally sound. Sanitation Commissioner Kathryn Garcia’s determination will mean cleaner streets and parks, and less pollution in our waterways. And restaurant owners and food vendors here will transition to more environmentally friendly food and beverage containers, just as they have in more than 100 jurisdictions around the country where similar bans have already been adopted,” said **Eric A. Goldstein, New York City Environment Director at the Natural Resources Defense Council**.

“The New York State Restaurant Association appreciates the efforts of the NYC Department of Sanitation and the Mayor's Office to enact legislation that moves our industry toward sustainability while recognizing the needs of small businesses via a long transition period and a commitment to educate businesses on alternatives before fining them, said **Chris Hickey, Regional Director NYC of the New York State Restaurant Association**. “We look forward to working with the City to educate restaurants on how to comply with the law and helping them find alternative products that are better for the environment and cost effective.”

“This is an important victory for New Yorkers committed to reducing global warming, to reducing the volume of trash we generate, and to reducing the taxes we all pay to collect, transport and dispose of our trash,” said **Peter H Kostmayer, CEO Citizens Committee for New York City**.

“Based on the Sanitation Commissioner’s finding, the City is making the right choice to ban these products. We welcome the support from the Mayor and the City Council to move in this direction as part of an ever more robust recycling program,” said **James T. B. Tripp, Senior Counsel, Environmental Defense Fund**.

“Sustainable South Bronx expresses our unwavering support of the citywide ban on polystyrene food and beverage containers and packaging. We have seen firsthand the detrimental impact that polystyrene has had on our waste stream here in the South Bronx and in low-income communities throughout the city. Since polystyrene is virtually impossible to recycle, its abundance serves as an inhibitor to increasing the City's recycling rates. We applaud the City’s efforts and we believe that the ban will minimize the many negative health and environmental impacts that polystyrene imposes on communities such as the South Bronx,” said **Michael Brochner, Executive Director, Sustainable South Bronx**.

“Through great leadership and vision, the New York City Council’s ban on styrofoam can now move forward, thanks to diligent confirmation that polystyrene is non-recyclable”, said **Roger Downs, Conservation Director for the Sierra Club Atlantic Chapter**. “Styrofoam is a persistent blight upon our parks and beaches, endangers marine wildlife and unnecessarily costs tax payers millions of dollars annually in disposal expenses. We look forward to the environmental and economic benefits that will come with this historic policy.”

“Getting rid of Styrofoam is just terrific news for recyclers, for composters, for taxpayers, and for all living beings that depend on having a healthy ocean—that is to say, all of us,” said **Brendan Sexton, Chair, Manhattan Solid Waste Advisory Board**. “Well done, Commissioner Garcia and Mayor de Blasio!”

“We are excited to learn that the city administration has taken the final step to allow legislation to go forward that will ban the sale of styrofoam products in New York City. Styrofoam products contribute an estimated 20,000 tons of waste to our waste stream, in NYC schools alone over 830,000 foam lunch trays are used every day. In the school setting, this ban is a perfect opportunity to implement a shift away from single use to durable items, eliminating wastefulness and teaching an important lesson to the next generation,” said **Christine Datz-Romero, Executive Director of the Lower East Side Ecology Center**.

“This landmark decision to ban toxic and polluting styrene foam products is a huge grassroots victory for our children and our communities,” said **Debby Lee Cohen, Director/Founder of Cafeteria Culture, founded as Styrofoam Out of Schools**. “We applaud Mayor de Blasio for his longtime dedication to eliminating styrene foam, bringing us one step closer to becoming a zero-waste, climate-smart city!”

About EPS:

- Expanded polystyrene is a plastic resin manufactured into consumer products such as “foam” cups, containers, trays, plates, clamshell cases and egg cartons.
- DSNY collected approximately 28,500 tons of expanded polystyrene in Fiscal Year 2014 and estimates that approximately 90 percent of that is from single-use food service products like cups, trays and containers.

- EPS is a major source of neighborhood litter and hazardous to marine life. EPS foam is a lightweight material that can clog storm drains and can also end up on our beaches and in New York Harbor. EPS containers can break down into smaller pieces, which marine animals may mistake for food. The environmental assessment prepared for the bill found that expanded polystyrene particles can wind up in the harbor, and in the floating gyre of non-biodegradable plastic debris that has been found in the Atlantic Ocean – creating a hazard for marine life such as sea turtles and fish.
- EPS is a contaminant of the city's organics program. The presence of EPS foam in NYC's waste stream has a detrimental effect on the City's organic collection program. During the collection process, foam can break down into small pieces that get mixed in with and contaminates organic material, rendering it unmarketable for anaerobic digestion or composting.
- EPS is already banned in cities across the country, including Washington, DC, Minneapolis, San Francisco, Oakland, Portland, Albany, and Seattle. In total, more than seventy cities have banned foam and businesses large and small have shifted to alternative products that are biodegradable or otherwise recyclable.

###