



sanitation

FOR IMMEDIATE RELEASE

December 28, 2018

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Press Release #18-81

www.nyc.gov/sanitation

Foam Ban for Businesses Begins in New Year

Law Covers Foam Food Containers, Cups, Trays, Plates, Bowls and Packing Peanuts

Starting January 1, 2019, New York City stores and food-service businesses can no longer offer, sell or possess single-use foam food containers such as foam takeout clamshells, cups, plates, bowls and trays. Additionally, manufacturers and stores may no longer sell or offer for sale loose fill packaging ("packing peanuts") in the city.

This law was enacted because single-use foam items were found to be not recyclable. These items are collected as trash in the city. There are many recyclable alternative packaging options including paper, plastic, aluminum and compostable products.

"Foam cannot be recycled, plain and simple," said Sanitation Commissioner Kathryn Garcia. "It's a problematic material when it's in our waste stream. Foam is a source of neighborhood litter and it is hazardous to marine life. It's a lightweight material that clogs storm drains and can also end up on our beaches and in our waterways. It's even a contaminant in our recycling and organics programs. I'm thankful we are finally able to move forward with our ban and I look forward to seeing less foam in our waste stream."

The ban begins January 1, 2019 and there will be a six-month grace period before fines will be imposed. The Department of Sanitation and other city agencies have worked to conduct outreach and educate affected business throughout the five boroughs.

Small businesses with less than \$500,000 in gross income for the most recent tax year and non-profits 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 a financial hardship. For more information, visit nyc.gov/foamwaiver.

Who is Covered:

- For-profit or not-for-profit: food service establishments, mobile food commissaries, and stores that sell or use foam items, and
- Manufacturers and distributors of polystyrene foam packaging that are located or operate within any of the five boroughs of New York City.

What is Covered:

- Single-service foam items including cups, bowls, plates, takeout containers and trays
- Foam loose fill packaging, commonly known as “packing peanuts”

What is Not Covered:

- Foam containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment, mobile food commissary, or store
- Foam containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar appliance
- Foam blocks used as protective packaging in shipping

For more information, visit: nyc.gov/foamban.

About the New York City Department of Sanitation

The Department of Sanitation (DSNY) keeps New York City healthy, safe and clean by collecting, recycling and disposing of waste, cleaning streets and vacant lots, and clearing snow and ice. The Department operates 59 district garages and manages a fleet of more than 2,000 rear-loading collection trucks, 450 mechanical brooms and 695 salt/sand spreaders. The Department clears litter, snow and ice from approximately 6,500 miles of City streets and removes debris from vacant lots as well as abandoned vehicles from City streets.