



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

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**CONTACT:** [pressoffice@cityhall.nyc.gov](mailto:pressoffice@cityhall.nyc.gov), (212) 788-2958

**MAYOR DE BLASIO ANNOUNCES BAN ON SINGLE-USE STYROFOAM PRODUCTS IN NEW YORK CITY WILL BE IN EFFECT BEGINNING 2019**

**NEW YORK**— Mayor de Blasio today announced that the City’s styrofoam ban will go into effect by January 1, 2019, following the dismissal of a lawsuit preventing the implementation of the ban. This means that food service establishments, stores, and manufacturers may not possess, sell, or offer for use single service Expanded Polystyrene (EPS) foam food service articles or loose fill packaging, such as “packing peanuts” in New York City beginning in 2019. Over the next six months, the de Blasio administration will work with businesses across the City to ensure they understand the law and help them transition to new materials to replace foam products.

“New York City’s ban on styrofoam is long overdue, and New Yorkers are ready to start using recyclable alternatives. There’s no reason to continue allowing this environmentally unfriendly substance to flood our streets, landfills, and waterways,” said **Mayor Bill de Blasio**.

Following the dismissal of a lawsuit delaying the ban on Expanded Polystyrene (EPS) foam food service articles and packing peanuts in New York City, the city is now able to begin the process of implementing the ban. After consultation with corporations, non-profits, vendors, and other stakeholders, the Department of Sanitation (DSNY) determined that EPS Foam cannot be recycled. DSNY also determined that there currently is no recycling 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. There is a six month grace period from when the ban goes into effect on January 1, 2019 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 beginning now and during this period.

Local Law 142, passed by the City Council in December 2013, required the DSNY Commissioner to determine whether EPS single service articles can be recycled in an “economically feasible” and “environmentally effective” way. Under the law, if the Commissioner found that EPS was not recyclable, foam food service items and packaging peanuts were then banned.

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 the fall.

“As we had previously determined, plain and simple, expanded polystyrene cannot be recycled, and we are pleased that the court decision will allow us to remove this problematic material from our waste stream. This necessary step will help us as we continue to move towards our goal of sending zero waste to landfills,” said **Sanitation Commissioner Kathryn Garcia**. “We will now restart our outreach and education work to ensure all city businesses are aware of the new rule, and prepared for its upcoming implementation.”

**Corporation Counsel Zachary W. Carter** said, “In dismissing a lawsuit that sought to block this important environmental initiative, the Court recognized that the City’s determination to ban food service foam products was ‘a painstakingly studied decision’ and ‘was in no way rendered arbitrarily or capriciously.’ The Court has cleared the way for the City to begin its outreach to businesses so they are aware of and can prepare for the law’s specific requirements before any enforcement occurs.”

“This is a pivotal and long-overdue step to protect New York City from the unnecessary damage Styrofoam does to our streets, water, and people,” said **Mark Chambers, Director of the Mayor’s Office of Sustainability**.

“I am thrilled that the Courts have finally determined what many of us have known all along – Expanded Polystyrene (EPS) is not recyclable” said **Council Member Antonio Reynoso**. “If we are going to reach our goal of zero waste to landfill by 2030, we must begin targeting materials like styrofoam that have no post-consumer application and I strongly support the Mayor’s decision to begin implementation of the ban quickly. I want to thank my Council colleagues and all the advocates who fought so hard to throw styrofoam onto the trash heap of history. I’m very much looking forward to a future in which EPS no longer contaminates our City’s waste stream, waterways, and environment.”

"I am thrilled that NYC can finally implement its styrofoam ban, without the Council having to pass new legislation," said **Council Member Brad Lander**, who introduced a bill to advance a styrofoam ban without having to wait for the decision of the courts. "Styrofoam is not recyclable, and it doesn't matter how many times that plastic and styrofoam industries claim otherwise. The fact is that styrofoam chokes our oceans, litters our streets and is ultimately sent to landfills where it will remain there, literally, forever. There are simple steps we can take as a city to do our part. This is one of them, and I'm grateful to Mayor de Blasio, Commissioner Garcia, and DSNY for sticking with this issue over the years and for moving forward with implementation as quickly as possible. I also want to give a huge shout out to Sanitation Chair, Council Member Antonio Reynoso, NRDC, NYPLI, Cafeteria Culture, NYC Environmental Justice Alliance, Citizens Campaign for the Environment and so many more tireless advocates and community leaders who have helped make this ban a reality in NYC."

**Council Member Costa Constantinides** said: “At long last, New York City’s foam ban can take effect. The industry tried lobbying, and they tried litigation, but nothing they did could obscure the simple fact that polystyrene cannot be recycled in any practical way. Now the city

can begin the process of rolling out the ban in a way that meets our sustainability goals while making the transition as easy as possible for our small businesses. I want to thank Mayor de Blasio and Sanitation Commissioner Kathryn Garcia for their perseverance in fighting to make New York one of the greenest cities in the nation.”

**Council Member Justin Brannan** said, “New York City banning styrofoam is a win for our planet. There are plenty of alternatives out there so it makes no sense to continue using a product that doesn’t biodegrade, can’t be recycled and harms wildlife.”

"The data speaks for itself: non-biodegradable, non-recyclable styrofoam products clog our storm drains and beaches, pollute our streets and pose long-term dangers to the future of our environment. Through this victory, New York City will continue as one of the leading municipalities to take bold action in achieving environmental justice," said **Council Member Margaret S. Chin**. "I thank Mayor De Blasio for his unwavering commitment to building a greener, sustainable city and, just as importantly, for partnering with local businesses to ensure they have the support they need to transition to environmentally-friendly alternatives."

"This styrofoam ban will make NYC cleaner and healthier for all," said **Council Member Daniel Dromm**. "Expanded Polystyrene (EPS) foam is notorious for spoiling compost and impeding the recycling process. Even worse, it is hazardous to fish and other marine creatures. In this day and age, with the many affordable and environmentally friendly substitutes available, a ban on EPS makes perfect sense. By coordinating a multilingual outreach plan and offering businesses this six month grace period, Mayor de Blasio has signified his desire to work with small business owners to ensure a smooth transition. As a co-sponsor of the legislation that created the styrofoam ban, I am pleased by this progress."

"The days of styrofoam are over," said **Council Member Rafael Espinal**. "It has become increasingly clear that styrofoam cannot be recycled and that these items are contributing to our global waste problem. I am a proud supporter of this ban and others, which take aim at reducing single use items, especially single-use plastics and I congratulate Mayor de Blasio and all those involved."

“Implementation of the ban on single-use Expanded Polystyrene is a major step forward in making New York a cleaner city, with a smaller environmental footprint. With this success in hand, we must continue to look for ways to eliminate single-use and non-biodegradable products, like plastic bags and straws, that are filling our landfills, littering our neighborhoods, and polluting our waterways. Thank you to all the New Yorkers who spoke out and fought to make our city more sustainable for generations to come, and to my colleagues on the Council and in the Mayor's Office for their leadership in making this ban possible,” said **Council Member Helen Rosenthal**.

**State Senator Brad Hoylman** said, "Styrofoam is a major environmental problem. Every day, approximately 1,369 tons of styrofoam is buried into U.S. landfills because it can't be recycled. Mayor de Blasio's support of Local Law 142 that bans single use styrofoam products will ensure that New York City does its part to reduce this harmful waste."

"Single use styrofoam food containers and packing peanuts clog our waterways, litter our streets, and poison our planet. These products are bad for the environment — and that means they’re bad

for New Yorkers,” **State Senator Brian Kavanagh** said. “With this ban, New York City will leave behind a record of innovative environmental protections — instead of tons of non-biodegradable styrofoam waste. I’d like to congratulate Mayor de Blasio on this legal victory and thank the Mayor, Sanitation Commissioner Garcia, the advocates who have worked on this issue, and everyone who has pushed so hard to ban these outdated, unhealthy products.”

"Dozens of cities across the country have already banned single-use styrofoam products and I'm pleased that New York City has finally joined that list," said **Assembly Member Steven Cymbrowitz**. "We're taking an important step in creating a safer, more environmentally friendly world for our children and grandchildren."

**Assembly Member Deborah Glick** said, “In our crowded city, proper disposal of the waste stream has become increasingly challenging. The Manhattan Supreme Court’s appropriate decision will allow New York City to make significant progress in eliminating wasteful, environmentally detrimental packaging. I look forward to additional opportunities to improve our environment.”

“This is a sensible schedule that balances the urgency of addressing litter and pollution problems from single-use foam plastic, with the need to give restaurants sufficient time to use up existing inventories and obtain environmentally preferable substitutes. When this law is fully implemented, residents of every city neighborhood will see cleaner streets, parks, beaches and waterways. Commissioner Kathryn Garcia is continuing to move the city’s Sanitation Department into a position of national leadership on sustainability issues,” said **Eric A. Goldstein, New York City Environment Director at the Natural Resources Defense Council**.

#### **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 contaminate 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.

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