



NYS FOAM BAN

NEW YORK STATE'S FOAM BAN GOES INTO EFFECT JANUARY 1, 2022.

BANNED ITEMS

Items banned from sale or distribution in New York State:

- Single-use expanded polystyrene foam food service containers used for prepared food and beverages, including but not limited to: bowls, cartons, clamshells, cups, lids, plates, and trays; and
- Packing peanuts or other void-filling, loose fill packaging products made of expanded polystyrene foam.



AFFECTED BUSINESSES AND ORGANIZATIONS

COVERED FOOD SERVICE PROVIDERS: Any person selling or distributing prepared food or beverages, including restaurants, grocery stores, delis, coffee shops, caterers, food trucks and street vendors, hospitals, schools, adult care facilities and nursing homes, cafeterias, hotels, motels and inns, community meal programs, sporting venues, amusement parks, summer camps, correctional facilities, and faith-based organizations.

STORES (retail and wholesale) that sell or distribute single-use food service containers or loose fill packaging in New York State.

LOOSE FILL MANUFACTURERS who sell or distribute polystyrene foam loose fill in New York State.

EXPANDED POLYSTYRENE FOAM CONTAINER AND LOOSE FILL PACKAGING BAN

ALTERNATIVES

Any container or packaging that does not contain expanded polystyrene foam, such as aluminum, rigid plastics, paper, glass, bio-based, and compostable items, may be used as an alternative.



New York encourages the use of reusable, compostable, recyclable, or recycled-content containers and packaging, when possible.

EXEMPTIONS AND WAIVERS

THE STATE LAW DOES NOT APPLY TO:

- Containers used for raw meat, pork, seafood, poultry, or fish sold to be prepared by the customer;
- Prepackaged food that is filled or sealed prior to receipt at a covered food service provider;
- Hard plastic food service containers marked with a number 6 (Polystyrene–PS) that are not foam;
- A city with a population of 1 million or more with a local expanded polystyrene foam ban in place (NYC); and
- Some covered food service providers and facilities may be eligible for a 12-month financial hardship waiver. For more information, visit <https://on.ny.gov/FoamFreeNY> or email foamban@dec.ny.gov.



Department of
Environmental
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