



Legislation Text

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Int. No. 106

By Council Members Weprin, Gerson, Quinn, Sanders, Avella, Serrano, Koppell, Yassky, Seabrook, Katz, Gennaro and Gioia; also Council Member McMahon

A Local Law to amend the administrative code of the city of New York, to prohibit packaging that is not recyclable or biodegradable.

Be it enacted by the Council as follows:

Section one. Declaration of legislative intent and findings. The council finds that discarded packaging constitutes a significant component of New York City solid waste. It is, therefore, necessary for the city to regulate packaging materials in order to reduce both the demand for scarce landfill space and the economic and environmental costs of solid waste management. Because discarded non-recyclable and non-biodegradable packaging creates serious waste disposal problems, the city must focus on recyclability and biodegradability in establishing a solid waste management policy and program. The use of non-recyclable and non-biodegradable packaging is wide spread and the resulting mixed substance waste stream seriously impedes recycling and all other waste management programs. Non-recyclable and non-biodegradable packaging threatens the city's environment as it continues the demand for scarce landfill space and, when incinerated, it introduces toxic by-products into the atmosphere and environment. The city must recycle a substantial portion of the waste stream and, therefore, a waste management program that increases the percentage of source-separated waste ready for recycling is necessary and is hereby declared to be a policy goal of the city. Due to the size and diversity of the city's waste stream, any recycling program must identify specific sources of waste that originate in the city and that have the greatest potential for recycling. Moreover, to the greatest extent possible, waste that is not recycled must biodegrade. The council finds that retail establishments located in New York City are points of

origin for a substantial volume of packaging waste and, therefore, have a particularly significant impact on the potential for recycling and biodegradation.

Accordingly, the council declares that the purpose of the law is to eliminate the use of non-recyclable and non-biodegradable packaging originating at retail establishments located in New York City in order to encourage and facilitate source separation, recycling and biodegradation, which will result in reducing the need for resource recovery facility capacity and diminishing landfill space.

2. Title sixteen of the administrative code of the city of New York is amended by adding a new chapter four to follow chapter three to read as follows:

16-401. Definitions. When used in this chapter:

- a. "Biodegradable" means the ability to substantially reduce to constituent substances through degradation processes initiated by the action of bacteria or other natural organisms whose end products are substantially, but not necessarily entirely, carbon dioxide and water.
- b. "Packaging" means all bags, sacks, wrappings, cartons, containers, adhesives, cords, bindings, strings, disposable or non-reusable plates, bowls, cups, lids, eating utensils or drinking utensils, and other similar items on which goods are placed or otherwise packaged.
- c. "Person" means any individual, trust, firm, corporation, joint stock company, association, partnership, consortium, joint venture, commercial entity or governmental entity.
- d. "Recyclable" means the ability to be separated from solid waste and be collected, processed, marketed and returned to the economy as raw materials or products.
- e. "Retail establishment" means all sales outlets, stores, shops or other businesses that operate primarily to sell goods, including but not limited to ready-to-eat and take-out food, directly to the ultimate consumer.
- f. "Supplier" means any person selling or otherwise supplying packaging to a retail establishment.

16-402. Prohibited packaging. No retail establishment shall place, wrap, pack or otherwise package goods in packaging that is not entirely recyclable or biodegradable.

16-403. Documentation required. a. Each retail establishment shall obtain from each of its suppliers a written statement signed by the supplier, or by a responsible agent of the supplier, stating that the supplier will supply only recyclable or biodegradable packaging to the retail establishment and note on each invoice for packaging supplied to that retail establishment that the packaging covered by the invoice is recyclable or biodegradable and the identity of the manufacturer of the packaging.

b. All contracts between a retail establishment and a supplier executed after the effective date of this chapter shall include a provision that the supplier will supply only recyclable or biodegradable packaging, and a provision that the supplier will state on each invoice for packaging supplied that the packaging is recyclable or biodegradable and the identity of the manufacturer of the packaging.

c. Retail establishments shall retain each supplier's written statement for one year from the date of receipt of any packaging from the supplier.

16-404. Inspection of documents. All statements required by section 16-303 shall be made available for inspection by the department. It shall be unlawful for anyone having custody of such documents to fail or refuse to produce such documents upon request by the department.

16-405. Exemptions. The commissioner may exempt an item or type of packaging from the requirements of this chapter upon showing that the item or type of packaging has no acceptable recyclable or biodegradable equivalent and that the imposition of the requirements of this chapter on that item or type of packaging would cause undue hardship. Before granting an exemption, the commissioner shall notify the public of the application for the exemption by placing an advertisement in a newspaper of city-wide circulation and provide a sixty-day period for the submission of public comments.

16-406. City purchases prohibited. The city of New York shall not purchase goods in packaging that is not recyclable or biodegradable, nor shall any city-sponsored event utilize goods in such packaging.

16-407. Enforcement. Any person who violates any provision of this chapter shall be subject to a civil penalty returnable before the environmental control board in an amount not less than five hundred dollars and up to one thousand dollars for the first violation, and not less than one thousand dollars and up to five thousand dollars for each subsequent violation.

§2. This local law shall take effect ninety days after its enactment.