



General Information Bulletin

Subject: Polystyrene Foam Ban

DATE: December 22, 2021 **CL - 884**

DESCRIPTION: Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Ban

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In 2020, New York State adopted the nation's strongest statewide ban of expanded polystyrene, single-use foam food and beverage containers, and polystyrene loose fill packaging materials, commonly known as packing peanuts.

Polystyrene foam is a concern for people and the environment. Foam packaging is one of the top contributors of environmental litter, causing negative impacts to wildlife, waterways, and other natural resources, as well as littering our communities and natural areas. It is lightweight, breaks apart easily, and does not readily biodegrade. When polystyrene foam ends up as litter in the environment, it can persist for a long time and may also become microplastic pollution. In addition, foam containers and loose fill packaging, such as packing peanuts, are not accepted in most recycling programs in New York State because the foam is difficult to recycle and has a low value. For these reasons, certain expanded polystyrene foam products will be banned in New York to protect the environment, our communities, and to support sustainable materials management.

Under the [Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Ban](#), effective January 1, 2022, no covered food service provider or store (retail or wholesale) will be allowed to sell, offer for sale, or distribute disposable food service containers that contain expanded polystyrene foam in New York. In addition, no manufacturer or store will be allowed to sell, offer for sale, or distribute polystyrene loose fill packaging (commonly referred to as packing peanuts) in the state.

- Environmental Conservation Law (ECL), Article 27, Title 30: [Expanded Polystyrene Foam Container and Loose Fill Packaging Ban](#)

The statute does allow for certain exemptions and waivers.

Authorized users of OGS contracts procuring the specified polystyrene foam products should review and consider these statutory requirements when making future purchases.