

Materials Management Legislation Passed with New York State's 2019-20 Budget

With the passing of the 2019-20 budget, New York State gained two new environmental laws related to materials management! One targets large generators of food scraps and the other bans single-use plastic carryout bags.

Organics Legislation

New York joins five other states that require large generators to divert food scraps from disposal. The other states are California, Connecticut, Massachusetts, Rhode Island and Vermont. It will also encourage the development of additional infrastructure for organics recycling processing in the State.

Who?

Large generators of food scraps (more than two tons per week on average).

What?

Large generators of food scraps must:

- Separate and donate edible food
- Separate and recycle all remaining food scraps if within 25 miles of an organics recycler with the capacity to accept the material

When?

- Effective January 1, 2022

What else?

- Generators may petition the Department for a one-year waiver due to undue hardship.

NYSDEC shall:

- Promulgate regulations
- Publish educational materials and best management practices
- Annually assess the capacity of each organics recycler and notify designated food scraps generators if they are required to comply
- Report annually to the Governor on the overall efforts and results of the program

Exclusions:

- Food scraps generators located in a city with a population of one million or more which has a local law, ordinance or regulation in place which requires the diversion of edible food and food scraps from disposal. (NYC)
- Food scraps generators that have all their food scraps processed in a mixed solid waste composting or mixed solid waste anaerobic digestion facility.
- Hospitals, nursing homes, adult care facilities
- K-12 schools

For questions regarding the organics legislation please email: organicrecycling@dec.ny.gov

Plastic Bag Ban Legislation

New York State joins California and the counties of the State of Hawaii in banning the distribution of plastic bags. Article 27 of New York State's Environmental Conservation Law is amended to create a new Title 28 for the *New York State Bag Waste Reduction Act*.

Who does the ban affect and when does it take effect?

The distribution of plastic carryout bags is prohibited by any person required to collect tax in NYS. The law takes effect March 1, 2020.

Exclusions to the plastic bag law include certain exempt bags. An exempt bag means a bag:

- Used solely to contain or wrap uncooked meat, fish or poultry;
- Used by a consumer solely to package bulk items such as fruits, vegetables, grains or candy;
- Used solely to contain food sliced or prepared to order;
- Used solely to contain a newspaper for delivery to a subscriber;
- Bags sold in bulk to a consumer at the point of sale;
- Trash bags;
- Food storage bags;
- Garment bags;
- Bags prepackaged for sale to a customer;
- Plastic carryout bags provided by a restaurant, tavern, or similar food service establishing, as defined in the state sanitary code, to carry out or deliver food; or
- Bags provided by a pharmacy to carry prescription drugs.

What if I request a paper bag after March 1, 2020?

In municipalities that pass a local law in compliance with 27-2803, a 5-cent paper bag reduction fee will be charged for each paper bag given to a customer. These fees will be reflected on the sales slip, invoice receipt or other statement of the price rendered to customers after March 1, 2020. Any city or county acting within its local legislative body is authorized to adopt local laws to impose this fee.

Where does this money go?

Forty percent of the paper carryout reduction bag fee monies are given back to the counties or cities imposing this tax (with additional Tax and Finance conditions). These monies are to be expressly used for purchasing and distributing reusable bags, with priority given to low- and fixed-income communities. The remaining funds will be deposited in the Environmental Protection Fund.

Are there exemptions to the paper carryout bag fee?

The paper carryout bag fee does not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payments for the items purchased.

What if I choose to use a reusable bag?

Consumers cannot be charged for using their own reusable bags.

For questions regarding the plastic bag legislation please email: plasticbags@dec.ny.gov