Int. No. 1407

By Council Member Espinal

A Local Law to amend the administrative code of the city of New York, in relation to the restrictions on certain single-use plastics.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

Subchapter 13. Restrictions on Certain Plastic Items

§ 20-699.7 Restrictions on single use plastics.

a. Definitions, as used in this chapter:

Beverage service establishment. The term “beverage services establishment” shall mean any establishment that sells beverages for on or off-premises consumption, including but not limited to establishments that are required to be licensed pursuant to section 100 of the New York state alcoholic beverage control law.

Economic feasibility. The term "economic feasibility" means cost effective based on consideration of factors including, but not limited to, direct and avoided costs such as whether the material is capable of being collected by the department in the same truck as source separated metal, glass and plastic recyclable material, and shall include consideration of markets for recycled material.

Environmental feasibility. The term "environmental feasibility" means environmental effectiveness based on consideration of environmental consequences including, but not limited to, materials having the capability to be recycled into new and marketable products without a significant amount of material accepted for recycling being delivered to landfills or incinerators and environmental consequences during manufacturing.

Food service establishment. The term “food service establishment” means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Single use plastic items. The term “single use plastic item” means an item made of non-biodegradable plastic that is intended by the manufacturer to be used once or that is generally recognized by the public as an item to be discarded after one use.

Store. The term "store" means a retail or wholesale establishment other than a food service establishment.

b. The commissioner shall, in consultation with the department of sanitation, the department of health and mental hygiene and the department of environmental protection, on a regular basis and no less than annually, evaluate available alternatives for items made from single use plastics. This evaluation shall include, but not be limited to:

1. Economic feasibility of such available alternative;

2. Environmental feasibility of such available alternative;

3. Potential financial hardship for consumers; and

4. Organics recycling capacity of the city, if applicable.

c. If the commissioner determines that there is a reasonable available alternative for a single use plastic item, he or she shall designate by rule such single-use plastic item as a covered item.

d. No store, beverage service establishment or food service establishment in the city shall distribute or sell covered items.

e. The commissioner shall on February 1, 2020, and annually thereafter, report to the mayor and the speaker of the city council on single use plastic items considered, the evaluation including economic feasibility and environmental effectiveness, and the determinations.

f. On and after January 1, 2020, and on a regular basis thereafter, the department shall provide outreach and education as follows. If single use plastic items are designated covered items pursuant to this section, the department, in consultation with the department of health and mental hygiene, the department of sanitation and the department of environmental protection, shall conduct outreach and education to stores, manufacturers, beverage service establishments, and food service establishments to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages.

g. The department, the department of health and mental hygiene and the department of sanitation shall have the authority to enforce the provisions of this section.

§ 2. This local law shall take effect immediately.

AEM/NKA
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