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# sanitation

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< [Collection and Setout Laws for Business \(/assets/dsny/site/resources/recycling-and-garbage-laws/collection-setout-laws-for-business\)](/assets/dsny/site/resources/recycling-and-garbage-laws/collection-setout-laws-for-business)

## Foam Ban

In accordance with Local Law 142 of 2013, the NYC Department of Sanitation determined that dirty, post-consumer, single-service foam food and beverage containers cannot be recycled in a manner that is economically feasible, environmentally effective, and safe for employees as part of the City's curbside recycling program. These items continue to be collected as trash. For more information, please review **Local Law 142 of 2013** (<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1444213&GUID=71AB91E9-EC77-47F0-B904-4D4B4A607568&Options=ID%7cText%7c&Search=142>) and the **DSNY Determination on the Recyclability of Food-Service Foam** ([https://www1.nyc.gov/assets/dsny/docs/2017-05-12FoamDetermination\\_FINAL.pdf](https://www1.nyc.gov/assets/dsny/docs/2017-05-12FoamDetermination_FINAL.pdf)).

As of **January 1, 2019**, New York City stores, food service establishments, and mobile food commissaries may no longer offer, sell or possess single-use foam food containers such as foam takeout clamshells, cups, plates, bowls, trays, and coolers. Additionally, manufacturers, distributors, and stores may no longer sell or offer for sale loose fill foam packaging ("packing peanuts") in the city.

### Exceptions

- Foam containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment, mobile food commissary, or store.
- Foam containers used to store raw meat, pork, fish, seafood or poultry, including eggs, sold from a butcher case or similar retail appliance.
- Foam blocks used as protective packaging in shipping are not covered under this law.

### Enforcement

This ban is effective as of **January 1, 2019**. Affected businesses, agencies, and nonprofits will have a six month warning period lasting through **June 30, 2019**. Following the warning period, Notices of Violation will be issued and civil action may be taken.

Beginning **July 1, 2019**, establishments found in violation of the foam ban will receive fines for each Notice of Violation issued within a 12-month period in the following amounts:

- \$250 for the first offense
- \$500 for the second offense
- \$1,000 for the third and subsequent offenses

Affected establishments should be prepared to receive inspectors, at least annually as part of routine inspections or 311 investigations, from one or more of the following agencies:

- NYC Department of Sanitation
- NYC Department of Health and Mental Hygiene
- NYC Department of Consumer Affairs

## Alternatives

There are many alternative options available including aluminum, rigid plastics, uncoated paper, glass, and compostable items. DSNY encourages everyone to explore and use reusable, returnable and/or refillable containers. Contact your distributor about alternatives to foam products.

For more information on specific alternatives that may work in your business, please visit the Manhattan Solid Waste Advisory Board's (MSWAB) analysis and list of **Foam Alternative Product Suggestions** (<http://www.manhattanswab.org/nyc-foam-ban>).

## Additional Resources

DSNY is committed to working with businesses to ensure that they understand the law and help them transition away from foam products. To access educational materials, attend a free training, or request an educational site visit, please go to [nyc.gov/dsnybusinessresources](http://nyc.gov/dsnybusinessresources).

Small businesses with less than \$500,000 in gross income for the most recent tax year and non-profits may apply for temporary hardship exemptions from the Department of Small Business Services (SBS) if they can prove that the purchase of alternative products not composed of foam would create a financial hardship. SBS will begin accepting applications for hardship waivers in fall 2018. For more information, please visit [nyc.gov/foamwaiver](https://www1.nyc.gov/site/sbs/businesses/polystyrene-foam-hardship-waiver-application.page) (<https://www1.nyc.gov/site/sbs/businesses/polystyrene-foam-hardship-waiver-application.page>).

## Related Links

**Collection and Setout Laws** (<https://www1.nyc.gov/assets/dsny/site/resources/recycling-and-garbage-laws/collection-setout-laws-for-business>)

**Recycling Laws** (<https://www1.nyc.gov/assets/dsny/site/resources/recycling-and-garbage-laws/recycling-laws-for-business>)

**Retailer and Service Provider Requirements** (<https://www1.nyc.gov/assets/dsny/site/resources/recycling-and-garbage-laws/retailer-service-provider-requirements>)

**Foam Ban** (<https://www1.nyc.gov/assets/dsny/site/resources/recycling-and-garbage-laws/collection-setout-laws-for-business/foam-ban>)

**Business Resources** (<https://www1.nyc.gov/assets/dsny/site/resources/educational-materials/business-recycling-materials>)

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<https://www1.nyc.gov/home/contact-us.page>  
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Maps (<https://www1.nyc.gov/citystore.nyc.gov/>)

<https://www1.nyc.gov/nyc-resources/nyc-maps.page>

**City Employees**

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<https://www1.nyc.gov/nsp/prdpress/?resid=1001>  
Resident Toolkit  
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