

# ADVISORY: NYS EXPANDS POLYSTYRENE FOAM BAN



Empire State  
Development

## ATTENTION RETAILERS, MANUFACTURERS & FOOD SERVICE PROVIDERS

Effective January 1, 2026, New York State's polystyrene foam ban ("foam ban") was expanded to include polystyrene foam coolers, ice chests, and other polystyrene foam containers designed for cold storage. This means that no impacted food service provider, manufacturer, or store will be allowed to sell, offer for sale, or distribute expanded polystyrene containers that are not wholly encapsulated or encased within a more durable container and are designed or intended to be used for cold storage.

New York State's original foam ban went into effect January 1, 2022, and prohibited the sale, offering for sale, and distribution of polystyrene foam food service containers and polystyrene loose packaging fill (i.e. "packing peanuts"). The following information pertains to the entirety of the foam ban.

### Who does the foam ban apply to?

**Impacted Food Service Providers** - Those engaged in the business of selling or distributing prepared food or beverages for consumption on or off premises. It includes caterers, food trucks, pushcarts, delis, grocery stores, restaurants, coffee shops, hospitals, nursing homes, and schools.

**Stores and Distributors** - Retail sales or distribution of banned polystyrene materials, including online sales, are prohibited within the state. Stores located outside of New York state cannot sell or distribute banned polystyrene materials within New York state.

**Manufacturers** - Producers or importers are prohibited from selling or distributing banned polystyrene materials within New York state.

### Exemptions

The foam ban does not apply to:

- Containers used for **raw** meat, pork, poultry, fish, or seafood sold for the purpose of cooking off premises by a customer.
- Prepackaged food filled or sealed prior to receipt at a food service provider.
- Hard plastic polystyrene food service containers that are not foam (i.e. clear plastic containers marked with #6 resin identifier).
- Containers used for the cold storage of drugs & medical devices; animal biologics (vaccines, tissues, biological products); certain microbial cultures used for dairy, meat, or fermented beverage manufacturing (expires 1/1/2030); certain temperature sensitive sample, cultures, or lab reagents (expires 1/1/2035).
- New York City because it has its own [local foam ban](#) in place
- Any county that enacts a foam ban by law, ordinance, or regulation that provides equal or greater protections than the state law

**We can help.** Contact the [Small Business Environmental Support Office \(SBESO\)](#) for **FREE compliance assistance** related to the Polystyrene Foam Ban, 1-877-247-2329 or [SBESO@esd.ny.gov](mailto:SBESO@esd.ny.gov).

For additional information related to the ban, including affected businesses, applicable containers, alternatives, and exemptions, please refer to [DEC's Polystyrene Foam Ban webpage](#) or e-mail [foamban@dec.ny.gov](mailto:foamban@dec.ny.gov).