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## New York Council Votes to Ban Foam Food Containers and to Curb E-Cigarette Smoking

By KIA GREGORY

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In its last scheduled legislative session of the year, the New York City Council passed major health and environmental regulations on Thursday, establishing a ban on plastic-foam food service containers, extending the city's ban on public smoking to cover e-cigarettes and requiring composting at large restaurants.

The plastic-foam measure was a final victory of sorts for Mayor Michael R. Bloomberg, though it came with a caveat. In his State of the City address this year, Mr. Bloomberg said the plastic-foam containers were virtually impossible to recycle, and environmentalists have long complained that the foam cups, trays and containers, stained by beverages, grease and food, were needlessly clogging landfills.

Dart Container Corporation, one of the largest makers of such products, and the American Chemistry Council, a trade group, lobbied city officials and council members and spent almost \$1 million to convince them otherwise.

The bill that passed unanimously on Thursday was a compromise. Dart has until Jan. 1, 2015, to prove to the sanitation commissioner that "dirty foam" can be collected in the city, recycled and sold in an economically viable way. If Dart fails, the ban will go into effect on July 1, 2015.

Councilman Robert Jackson of Manhattan had proposed a bill requiring the city to immediately try to recycle the foam, a bill Dart favored and the Bloomberg administration opposed. But Mr. Jackson voted yes on Thursday.

"I have heard all of the various positions, and I'm glad

amendments were made to the bills so we can move forward,” he said. “But the proof is going to be in the pudding down the road.”

In response to concerns that small businesses would be hurt by switching to costlier alternatives like paper and plastic, the bill allows small establishments and nonprofit organizations to apply for a waiver from the ban.

E-cigarettes, which use a battery to vaporize a nicotine solution, have grown in popularity based on a perception that they are a safer alternative to regular cigarettes, but the health implications remain in question. The bill limiting their use, pushed by two departing council members, James F. Gennaro of Queens and Speaker Christine C. Quinn of Manhattan, bans e-cigarettes wherever smoking is now prohibited, including restaurants, bars, parks and office buildings. The Bloomberg administration supported the measure.

Proponents cited the potential, if not yet fully known, health effects of e-cigarettes and their secondhand vapor, and said e-cigarettes confused bartenders and others who had to enforce the existing ban.

Opponents said e-cigarettes were safe and gave many people an alternative to smoking conventional cigarettes. Councilman Jumaane Williams of Brooklyn, one of eight no votes, said, “I think it’s a good bill, but I think it’s being rushed.”

The composting measure, which the Council passed by 48 to 3, would require the largest restaurants, grocery stores, caterers and other food-related establishments to separate food waste from the rest of their garbage and have it hauled to a composting facility. How much waste would be diverted from the garbage stream would depend on the capacity of the region’s composting facilities. The measure takes effect in July 2015

[http://www.nytimes.com/2013/12/20/nyregion/new-york-council-votes-to-ban-foam-food-containers-and-to-curb-e-cigarette-smoking.html?\\_r=0](http://www.nytimes.com/2013/12/20/nyregion/new-york-council-votes-to-ban-foam-food-containers-and-to-curb-e-cigarette-smoking.html?_r=0)