



*DART CONTAINER CORPORATION*



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**NEW YORK STATE SUPREME COURT OVERTURNS CITY'S BAN ON FOAM  
PRIVATE INDUSTRY'S OFFER TO RECYCLE ALL FOAM & RIGID POLYSTYRENE STILL STANDS**

**(New York, NY)** – The New York State Supreme Court today overturned Sanitation Commissioner Kathryn Garcia's decision to ban foam foodservice items, clearing the way for the City to embrace a recycling program that would cover 100 percent of polystyrene products and generate new revenue for the City.

"This decision is a victory for the environment and for New York City, which can now become a national leader in recycling by removing every piece of polystyrene from its waste stream—and making money in the process," said former City Councilman Robert Jackson, who heads the Restaurant Action Alliance that was a part of the lawsuit. "The judge has ended the debate about polystyrene recycling by making clear it can be recycled and there is a market for it. Now it's time for the City to capitalize on this development."

Michael Westerfield of Dart Container Corporation, which was also a party to the legal case, said, "Our offer to pay every dime of the start-up costs for recycling, and to ensure the City can sell its recycled product, stands. The victory here is for the environment and for recycling. We are eager to work with the City to get recycling started as soon as possible.

The ruling from Judge Margaret Chan overturns the ban completely, stating clearly that the "one undisputed short answer to whether EPS is recyclable is yes: single serve EPS is recyclable." The ruling refers the matter to the Department of Sanitation for further consideration consistent with the court order, allowing for recycling of the city's foam and #6 rigid polystyrene to move forward.

"We're gratified by Judge Chan's decision and look forward to working with the City to implement a comprehensive recycling plan that will reduce the volume of our City's waste stream and generate revenue for the City," said Randy Mastro, partner at the law firm Gibson Dunn.

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