

**TESTIMONY OF
ROBERT LANGE,
DIRECTOR OF BUREAU OF WASTE PREVENTION, REUSE AND RECYCLING
NEW YORK CITY DEPARTMENT OF SANITATION**

**INTRO NO. 983: IN RELATION TO REQUIRING A RECYCLING PROGRAM FOR
DRY CLEANING ESTABLISHMENTS**

AND

**INTRO NO. 1019: IN RELATION TO PLASTIC GARMENT BAGS USED BY DRY
CLEANING ESTABLISHMENTS**

**HEARING BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION & SOLID WASTE MANAGEMENT
MONDAY, OCTOBER 26, 2009 – 1:00 P.M.
250 BROADWAY - 16th FLOOR HEARING ROOM**

Good afternoon Chairman Felder and members of the Committee on Sanitation and Solid Waste Management. I am Robert Lange, Director of the Bureau of Waste Prevention, Reuse and Recycling for the New York City Department of Sanitation. I welcome the opportunity to appear before you on behalf of Sanitation Commissioner John Doherty to discuss Intro Numbers 983 and 1019, which I will address separately. The Department is also interested in hearing the comments of other persons here today, particularly those of the members of the dry cleaning industry, as this Committee explores the views of interested parties concerning the recycling, reuse and management of certain items utilized by dry cleaning establishments in their daily operations; as well as the concerns the authors of each Intro were intending to address by means of the draft legislation.

As currently written, Intro 983 would require dry cleaning establishments in New York City to accept from consumers used hangers similar to the type they distribute in their business, for reuse or recycling. Intro 983 also requires dry cleaning establishments to post a conspicuous sign at or near the entry informing customers they may return their used hangers. Failure by such businesses to accept used hangers or post the required sign would subject the business to a civil penalty of \$500 for a first time violation, and \$1,000 for each subsequent violation within a 12-month period. The used hangers would have to be reused or recycled.

It is the Department's understanding, based upon feedback we have received from City Council staff, that the Intro was developed partially to address the concerns of dry cleaners about the growing cost of dry cleaning garment hangers, brought about by the quickly diminishing number of hanger manufacturers worldwide. Additionally, it is the Department's understanding that many dry cleaning establishments throughout the City now accept and encourage customers to return used hangers.

While the Department generally supports measures that encourage waste prevention, reuse and recycling, in this instance we believe the Intro, as presently drafted, may either be unnecessary or require significant modification. As a waste prevention and reduction initiative we applaud the sentiment behind the initiative but we find the goals and intent behind the draft legislation less than transparent.

The Department currently collects discarded metal clothing hangers weekly from all residential households in the City on its regular recycling collection routes. Therefore, the portion which requires dry cleaning establishments to set up for the recycling of returned hangers when hangers can currently and conveniently be recycled by residents at curbside as part of the Department's MGP Program, would be unnecessary and burdensome upon dry cleaners that would otherwise opt not to reuse such hangers, such as laundromats that may outsource dry cleaning services for customers, yet would be covered by the bill. The Department is concerned that as drafted, by requiring collection by dry cleaners that are unable or unwilling to reuse the hangers that it collects, the bill might have the unintended consequence of redirecting some wire hangers from the recycling stream to the refuse stream, given that as commercial establishments, dry cleaners are not serviced by Department MGP collection. If the provision instead simply required the return of hangers for reuse we could understand both its intent and possible necessity, assuming any concerns about the sanitary reuse of hangers are properly addressed.

Intro 1019 would require dry cleaning establishments in New York City to return cleaned garments to consumers solely in dry cleaning bags made of recycled film plastic material. Non-compliance with the law would subject the business to a civil penalty of \$500 for a first time violation, and \$1,000 for each subsequent violation within a 12-month period.

Intro 1019 therefore requires the future use of recycled-content, film plastic dry cleaning bags. Such bags, to the best of our knowledge, do not exist in the form of a clear or translucent film plastic garment bag, unless the recycled content of the bag is miniscule at best. The Department's concern is that legislatively mandating these low-recycled-content bags would have minimal consequence in reducing the use of virgin plastics—which appears to be the intent of the draft legislation—while potentially imposing a cost burden on the small businesses required to use these bags.

Additionally, in requiring the use of garment bags made from recycled content, the bill as currently drafted would preclude the potential use of reusable garment bags, an alternative to film plastic bags explored by the dry cleaning industry in the 1990s in consultation with the Department and the City-led nonprofit New York City Waste Prevention Partnership.

As a final comment on both Intro 983 and Intro 1019, it is the Department's opinion that the civil penalties proposed under these bills are excessively high in relation to the possible impacts associated with non-compliance, particularly if Intro 983 was initiated partially to aid dry cleaning establishments in coping with escalating supply costs. The imposition of a \$500.00 fine for a first-time offense is high compared to the current recycling fine structure for residents and could unintentionally impact the fiscal stability of small business proprietors. Therefore, we would encourage the Committee to re-consider the penalty amounts for first and subsequent offenders under this legislation. Additionally, we would ask the Committee to consider granting the Mayor broader authority in assigning enforcement jurisdiction.

Thank you for the opportunity to comment on each of these proposed bills. We are happy to answer any questions that you have.

Comments to the New York City Council

on

Plastic Garment Bags Used by Drycleaning Establishments Requiring a Recycling Program for all Drycleaning Establishments

David Cotter
Textile Care Allied Trades Association
Fairfield, New Jersey
info@tcata.org
October 23, 2009

I am the CEO of the Textile Care Allied Trades Association (TCATA). TCATA is an international trade association representing manufacturers and distributors of drycleaning and laundry equipment and supplies. It is the only trade association dedicated exclusively to the interests of the allied trades.

Thank you for the opportunity to provide input on proposals by the New York City Council on mandating the recycling/reuse of hangers in drycleaning establishments and requiring a minimum content of recycled materials in plastic bags. Since I became aware of these proposals only a short time ago, please note that these comments are not exhaustive. I am pleased to have the opportunity to work with you and the Council on an ongoing basis in the future as these proposals take shape. As you can see, I've submitted my comments in a question and answer format anticipating that these are the areas where you seek my input.

Plastic Bags

1. How much recycled material can a plastic bag for use by drycleaners contain?

It is important for a laundry/drycleaning bag be both clean and clear - the customer must be able to see the finished product. The percentage of recycled material that can be used in manufacturing a plastic bag will vary greatly depending if it is post consumer recycled film or post industrial recycled film. Generally speaking, film from the post consumer stream is collected in the blue box programs of municipalities and is a mixture of a large variety of polyethylene with different grades and quality such as pigment in the film, ink from prints on the bags and contamination from content. The resulting film from a professional recycler will have the tendency to make the film much hazier, may impart a smell to the film and is usually very inconsistent from one box to the next. This is why it is virtually impossible to make a broad statement that you can include 30 percent of recycled films in a laundry/drycleaning bag (LDC). You may get a box of recycled film that could be added at that level and the next box would be only 10 percent or even 5 percent.

LDC bags are made in very thin gauges. The industry does offer a blue tint recycled bag with a recycled film content - the blue tint is there to mask the off color of the film and is normally run at slightly higher gauges than the clear products. There is no claim as to the level of recycled in the product, only that it does contain some recycled films.

Another major complication in considering any proposal is the high level of imported plastic, much of which comes from Asia. This product often does not have the weight or gauge as specified on the label. If any U.S. government entity were to require a minimum recycled content, it would be impossible to enforce. The net result would not only be to put North American manufacturers at a competitive disadvantage but would greatly undermine any potential success of such a program.

2. Is there enough usable plastic out there to be recycled for this to be feasible?

Recycled resin made for the film industry by the recyclers is abundant but the usage of this material is normally allocated to less critical or high performance film products such as trash liners or construction film. The whole idea of responsible care is that a film product will be used in a responsible fashion. Reduction of the amount of plastic in a product is environmentally sound (LDC is a perfect example of this since the gauges are ultra thin when compared to most film products). The product is then recycled or degraded to reduce the amount of solid waste going into the landfill. As long as the LDC bags are recycled, it should not matter if the recycled film went into LDC bags instead of plastic lumber composites or trash liners or other useable products. The important point is that the film was recycled and reused in a product and did not end up in the waste stream.

3. What would this do to cost of manufacturing these bags?

Normally, recycled materials are more expensive than virgin resin. The film product made from this recycled resin generally performs less well so it can be run at a thicker gauge (defeating the purpose of a higher performance, thinner film that uses less plastics). The net result to the distributor, drycleaner and final consumer is a more expensive and less responsible product.

While recycling is not the focus of this legislation or the Council's current efforts, I emphasize that TCATA and its members strongly support the responsible use of plastic bags. Mandating recycled content in plastic bags does not help reduce litter or reduce the use of LDC bags. TCATA thinks that effective recycling programs are a more efficient and cost effective way to achieve the environmental goal that we both seek – less plastic in the waste stream.

Hangers

TCATA and its members support the recycling of hangers but we think it is unwise to promote the reuse of hangers. Hangers being returned often have been on the floor where roaches or other insects may have gotten into the tubes of struts. Most of the glue that holds the paper in the form of a tube is starch based. Reuse is unsanitary and presents potential hygiene issues.

While many hangers are now imported, the remaining American manufacturer already uses 100 percent recycled steel in manufacturing their hangers.

I look forward to working with the Council on these issues.

David Cotter, CEO
Textile Care Allied Trades Association
973-244-1790



252 West 29th Street, New York City, NY 10001

Phone: 212.967.3002 Fax: 212.967.2240

www.nca-i.com Email: info@nca-i.com

October 26, 2009

Good afternoon. My name is Nora Nealis and I am here representing the NCA (National Cleaners Association, formerly known as the Neighborhood Cleaners Association.) We are headquartered right here in NYC and we would like to thank the City Council and this Committee for the opportunity to comment on Int. #1019 and begin a dialogue with you exploring the ways a cleaner's use of plastic packaging can be handled in a more environmentally friendly manner.

Let me begin by saying that as I prepared for this hearing, I came to the realization that this is a very complex issue and that the ramifications go far beyond even what I would have believed. I would like to highlight for you, some of the challenges that we are going to have to work through in order for any green goals to be realized in a reasonable and equitable fashion.

Firstly, I would like to call to your attention that the proposed legislation exempts shirt laundries from this measure, but not the dry cleaner that uses their services. Given the fact that men have their shirts laundered far more often than they have their suits dry cleaned, this will create a myriad of costly problems and an undue burden for the neighborhood cleaner that is not operating his own shirt laundry.

Now, I'd like to enumerate the reasons a cleaner has come to rely on plastic packaging.

1. It is clear and allows the consumer to:
 - a. Easily identify the item as their property
 - b. See the condition of the item being returned

Experience has shown us that these are both very important benefits to cleaning customers.

2. It is clear and therefore makes finding a 'lost' item on the cleaner's conveyor or truck faster and easier.
3. It is water resistant and therefore protects the garment from the elements.
4. It can be easily 'tied' at the bottom to eliminate the irretrievable loss of belts, ties, slipped slacks, sweaters, etc.
5. It is affordable, though it does comprise one of the largest percentages of a cleaner's annual supply costs (probably #2 after hangers), and if there was a way to reduce the cost by recycling or reuse, cleaners would most definitely be interested and supportive.
6. When compared to alternative packaging (i.e. paper, fabric, non-wovens) it is lighter weight, offering:
 - a. Lower transport costs
 - b. A product that is easier for the consumer or delivery person to carry in bulk, and
 - c. It minimizes bulk on conveyors (the automated clothing carousels you see in many cleaning establishments.)

In considering any legislation regarding the cleaner's use of plastic bags, you should also be aware of the following:

1. In an effort to control costs, cleaners will often place 'call-off' or 'blanket' orders with their suppliers for a year or more supply of plastic bags. This enables them to negotiate a 'quantity' discount and predict their supply cost for the year. Unfortunately, given the roughly 20% down turn in volume being experienced by most cleaners, this inventory will last them even longer than what they anticipated, and the Council needs to be aware of this if it contemplates setting standards for the type of plastic the industry uses.

2. Plastic bags with a high content of recycled materials do not have the clarity that cleaning customers demand. Bag producers report that 5% recycled material is ideal, but that they can sometimes push that percentage slightly higher depending on the quality of the raw material that is being recycled.
3. Bag producers also report that there is no way to tell by looking at a bag whether or not it in fact contains a particular amount of recycled materials. So the practical aspects of how any legislation the Council adopts is going to be enforced, must be part of the equation if a level playing field is to be ensured.
4. While biodegradable plastic bags have recently been introduced to the market, these bags reportedly cost about 25-30% more than traditional bags. In addition, there is some concern among cleaners regarding how the bag's gradual bio-degradation might impact garments that the consumer stores them in because the item is not being worn within a reasonable timeframe. At this point, we do not know whether or not this will prove to be an issue, but we need to be mindful of the possible ramifications of any legislation that might require its use, should it prove to have an adverse impact on the cleaned items.
5. Re-useable bags are also being marketed to the industry and while in theory, they might appear to be a viable option, the Council should know that:
 - a. The cost of acquisition for these bags is significant (between \$4-\$10 per bag) and for most cleaners, given the tough economic times the upfront investment is beyond their means. It is a cost that cannot be absorbed by the cleaner and is either equally unaffordable to some consumers or unacceptable as a surcharge to others. When considering this, please keep in mind that the typical NYC drycleaner has an annual gross sales volume of about \$300,000 per year. There is not much left over for this type of green initiative. Right now, they are in survival mode.
 - b. Re-useable bag manufacturers will tell you that consumer participation in reuse will be higher than that for retailers like CVS and Duane Reade because the bag will serve a dual purpose – dirty clothes in/clean clothes out. However, the industry's experience has shown this is NOT the case. You must keep in mind, that approximately 80% of a cleaner's loyal

customers are one, two or three time a year drycleaning users. It is reasonable to expect that most of that 80% of the client base is likely to lose track of the bag in the months intervening or find another, better use of the bag. As a result, cleaners who have tried them, found that customer participation is not sufficient to justify the investment.

- c. In addition, to the extent reusable bags are in play, it further increases a cleaner's cost because the bag must be cleaned and or washed (depending on the type of bag) prior to it being used as a protective covering for the cleaned clothes. No one wants their cleaned clothes returned in the bag that held their dirty clothes.

Finally, I want you to consider this. Over the years, some cleaners have tried to implement plastic recycling in their operations. To the best of my knowledge, these efforts failed – not because of the cleaner's lack of trying, but because of:

1. lack of consumer participation, and
2. the consumer treating the effort cavalierly, and dumping all manner of non-plastic materials (hangers, staples, receipts, etc.) in the recycle bins with the plastic, which in turn required the cleaner to invest the time and labor in inspecting and sorting the materials in the bin, and lastly
3. the difficulty in co-coordinating with an affordable recycler in the market; though several US plastic bag manufacturers have expressed a willingness to explore with industry their participation in such an effort. This might be an area worthy of exploration.

I'm sure these obstacles are not insurmountable, and that by working together we can come up with a plan that will work for everyone concerned – the City, the Council, the cleaner and the consumer. We look forward to sharing the creative problem solving process with you to achieve that goal. Thank you.

**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL
BEFORE THE NEW YORK CITY COUNCIL'S
COMMITTEE ON SANITATION AND SOLID WASTE
RE: LEGISLATION REQUIRING RECYCLING AT DRY CLEANING
ESTABLISHMENTS
OCTOBER 26, 2009**

Good afternoon, Chairman Felder and members of the Committee. My name is Ashley Sever and I am an intern from the New York University Environmental Studies program who is working this semester with the Natural Resources Defense Council, Inc. ("NRDC"). As you know NRDC is a national non-profit legal and scientific organization that has been active for almost 40 years on a wide range of environmental issues including solid waste disposal. We are pleased to be here today to testify in support of Intros 983 and 1019, which are wisely designed to encourage additional recycling at New York City dry cleaning establishments.

Intro. 983 requires dry cleaning establishments to accept used hangers back for recycling or reuse. NRDC supports this sensible legislation. We especially welcome the provision that would require dry cleaning establishments to post notification to the public that this service is available. Our only question regarding this legislation is whether a provision should be added so that the total amount of hangers brought back for recycling or reuse could be measured, so that such activities could be calculated in determining the city's overall recycling levels.

Intro 1019 requires dry cleaning establishments to use bags made out of recycled material. NRDC supports this bill conceptually because it will likely help to strengthen the demand for recycled film plastics. While we fully support the goals of Intro 1019, we would offer three suggestions for this legislation. First, we recommend that the term "recycled material" be

defined in the bill. As presently drafted, it is unclear whether the bill would require bags to be made of 100% recycled material or some lower percentage. NRDC is checking on this issue and will follow-up with the committee shortly. Second, we suggest that the Council confirm with the affected industry that this legislation provides sufficient lead time for dry cleaning establishments to obtain bags made with recycled content. We strongly support the concept of requiring the use of recycling plastic film, but want to be sure that the cleaning establishments are provided with adequate time to procure complying plastic bags. Finally, we recommend that the legislation be amended to require that dry cleaning establishments encourage the use of reusable garment bags on a voluntary basis by requiring that all dry cleaners post conspicuous signs stating “Customers can help reduce waste and pollution by carrying their clean garments home in reusable garment bags” or similar such language.

We thank the Committee for holding these hearings and NRDC’s New York City Environment Director Eric Goldstein will be happy to respond to any follow-up questions you may have. Thank you very much.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

983-1019

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10-26-09

(PLEASE PRINT)

Name: VICTORIA AVILES

Address: 220 SIXTH AVE NY NY 10014

I represent: KING GARMENT CARE

Address: 220 SIXTH AVE NY NY 10014

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

983-1019

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/26/09

(PLEASE PRINT)

Name: DEBRA KRAVET

Address: 383 AMSTERDAM AVENUE

I represent: APTHORP CLEANERS INC

Address: 383 AMSTERDAM AVENUE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

983-1019

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/26/09

(PLEASE PRINT)

Name: BOB LANGE

Address: DIRECTOR, WASTE PREVENTION,
RECYCLING

I represent: DEPT. OF SANITATION

Address: DEPT. OF SANITATION

Please complete this card and return to the Sergeant-at-Arms

10-26-09
**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

983-1019

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: DAVID MINDICH
Address: 45 DENSLING ROAD, WOODCLIFF
I represent: MINDICH SUPPLY NJ 07677
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 983-1019 Res. No. _____

in favor in opposition

Date: 10/26/09

(PLEASE PRINT)
Name: Ashley Seiver
Address: 4
I represent: NRDC
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

983-1019

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: WAYNE EDWARDS
Address: 1623 30E 27D
I represent: MARKET GARMENT CMA
Address: 245 E 57 ST NY NY

▶ Please complete this card and return to the Sergeant-at-Arms ◀