



sanitation

Kathryn Garcia Commissioner

Testimony of Kathryn Garcia, Commissioner

Oversight Hearing on Diverting Non-Curbside Collected Materials from Landfills and Intro No. 1075 - A Local Law in relation to City Agencies' Organics Collection

New York City Council Committee on Sanitation and Solid Waste Management

Tuesday, December 18, 2018

10:00 A.M.

250 Broadway – 14th Floor

Good morning Chair Reynoso and members of the Committee on Sanitation and Solid Waste Management. I am Kathryn Garcia, Commissioner of the Department of Sanitation, and I am joined by Bridget Anderson, Deputy Commissioner for Recycling and Sustainability for the Department.

The New York City Department of Sanitation collects more than 3.5 million tons of waste and recyclables each year. New Yorkers are accustomed to source separating traditional recyclables and placing them at the curb for Department pickup. This includes metal, glass, cartons and plastic, and paper and corrugated cardboard. As we continue to improve our curbside recycling rate compared to a decade ago, we also recognize the changing nature of our waste stream and the economic trends that influence how we must plan and identify opportunities to divert other materials from disposal, and develop sustainable programs to manage NYC's discards beyond traditional curbside collection.

Earlier this year we released our 2017 Waste Characterization Study, a comprehensive analysis of the composition of our curbside refuse and recycling collections. This study, which the Department presented to this committee in May, found that 34 percent of the waste the Department collects is traditional curbside recyclables – mixed paper and cardboard and metal, glass, plastic and cartons. Since the 1980s, we have worked to develop one of the earliest and now the largest mandatory curbside recycling program of any municipality in the country. We now collect more than 600,000 tons of these products per year and capture more than 50 percent of these designated recyclables in our curbside recycling program.

Another 34 percent of the waste we collect is organics – food scraps, food-soiled paper and yard waste. We have developed the nation's largest curbside organics collection program, serving 3.5 million New Yorkers. Last year, we collected 43,000 tons of organics through curbside collection programs and food scrap drop-off sites, a number that we hope to continue to grow.

However, even if we were able to divert 100 percent of all traditional recyclables and organics into the appropriate curbside collection programs, we would only divert 68 percent of the waste we collect. That's far from our goal of sending zero waste to landfills. To achieve this goal, we must develop policies and programs to address the other third of our waste stream that does not have a home in curbside diversion programs. These policies and programs can also help to promote waste reduction and reuse to decrease the overall amount of waste we collect and contribute to our zero waste goals.

In the last several years, we have implemented new programs and expansions to the services we offer New Yorkers for non-curbside collected materials and the infrastructure to handle it. We take this role as stewards of the City's zero waste goals very seriously, and we will continue aggressively on this path in order to grow these programs. Today, we are incredibly proud of the work we have done so far. In today's testimony, I will highlight several of these programs in place today and some challenges we aim to overcome in the future.

DonateNYC and the NYC Reuse Sector

New York City has a robust reuse sector, comprised of non-profit and commercial enterprises, that collects and redistributes unwanted goods. Reuse is considered to be a higher and better use than recycling, as products can continue to be used for their original intended purpose. These efforts reflect a changing focus – rather than focusing just on diverting waste for recycling via curbside collection, we are treating discarded materials as an opportunity for us to build industries and develop a local economy around materials that can be recovered. The Department's efforts to track and measure the flow of reused and donated materials in New York City are precedent setting nationwide.

In 2016, we launched our donateNYC website and mobile app to make it easier for New Yorkers to "give goods, find goods and do good." These tools provide an easy way to find local opportunities to reuse unwanted goods and to directly exchange unwanted goods with organizations that need them. We also provide support to the local non-profit community to expand their capacities and reach more New Yorkers.

In Fiscal Year 2018, donateNYC partner organizations together reused 52,000 tons of used or surplus materials. These included more than 31,000 tons of rescued food, 11,000 tons of textiles, 8,000 tons of used goods and nearly 1,000 tons of electronics.

Last year, the Department released the "NYC Reuse Sector Report," a comprehensive survey of the city's reuse-associated businesses and organizations that includes places that sell, repair or rent used items. That report found that more than 2,200 businesses with more than 3,600 locations citywide engage in reuse, resale, repair and rental services, reducing the amount of waste New Yorker's throw away.

The Department also continues promote efforts to reduce food waste by encouraging the donation of surplus edible food. Pursuant to Local Law 176 of 2017, the Department is finalizing the development of a food donation portal that we expect to launch next spring. This application will be a new component of our web-based and mobile donateNYC platform, and will increase food donations and recovery from businesses with surplus edible food by matching donor food establishments with food rescue organizations.

Textile Donation

Clothing and textiles make up six percent of residential waste, and we continue to work with our partners to expand opportunities to donate, reuse and recycle these items. In 2011, the Department launched *re-fashionNYC* in partnership with the non-profit Housing Works to make clothing donation easy through a convenient in-building collection service. Apartment buildings with 10 or more units can apply to receive a donation bin placed in a common area of the building. Residents put their unwanted textiles in the bin. When the bin is full, the material is collected and put to reuse. All proceeds from donations support the charitable mission of Housing Works.

Today, nearly 1,700 residential buildings with 170,000 households and more than 360,000 residents have *re-fashionNYC* bins. In Fiscal Year 2018, New Yorkers donated 1,900 tons of textiles through *re-fashionNYC*. We continue to grow the program, and we have recently worked with Housing Works to add more partners to expand capacity for textile donations. We are currently conducting outreach to dry cleaners, laundromats, fitness centers and other clothing-related businesses to encourage them to enroll.

We also support other efforts to donate used clothing. We partner with GrowNYC to offer weekly clothing collections at Greenmarkets and to host community scale clothing donation and “Stop-n-Swap” events citywide. And earlier this month, we worked with Goodwill to collect discarded clothing at the New York City Marathon.

Electronic Waste Recycling

Although electronic waste comprises less than one percent of the waste stream, electronics often contains toxic materials like mercury, cadmium, lead, and other heavy metals that can be toxic to humans and the environment. The Department created *e-cycleNYC* in 2013 in partnership with ERI, an industry leader in safe and secure electronics recycling. Similar to *re-fashionNYC*, the *e-cycleNYC* apartment building program is provided at no cost to the City and is available in any building with 10 or more units. It has since grown to be the most expansive and convenient e-waste collection program in the country, serving nearly 14,000 apartment buildings with more than 850,000 households and 1.8 million residents.

Additionally, since 2016, the Department is also phasing in appointment-based electronic waste collection service for residents who do not live in large apartment buildings eligible for the *e-cycleNYC* program. Today, residents of Staten Island, Brooklyn and western Queens can schedule a collection appointment online or by calling 311. This program will expand to the rest of Queens and the Bronx next fall. We also continue to accept electronic waste at our SAFE disposal events and at community-scale electronic waste recycling events hosted in partnership with local elected officials and community organizations.

Together our electronic waste recycling programs collected and properly recycled nearly 4,000 tons of electronic waste in Fiscal Year 2018.

The comparison between participation in *e-cycleNYC* and *re-fashionNYC* draws an important distinction. In 2015, a New York State law banned the curbside collection of electronic waste as refuse, and the City enacted regulations to enforce this state law. This disposal ban has helped to dramatically grow the participation in each of the Department’s electronic waste recycling programs. The 2017 Waste Characterization Study showed that the amount of e-waste in our curbside waste stream has declined by 60 percent. For textiles, a similar disposal ban does not

exist, and participation in the re-fashionNYC program is entirely voluntary. As a result, participation in the program has grown at slower rates, and fewer buildings have enrolled overall.

Harmful Household Products

Like electronic waste, harmful household products make up a very small share of the overall waste stream, just 0.4 percent. But these products can pose a danger to Sanitation employees on collection and in the transfer station, and they can present a risk to humans and the environment when disposed improperly. The Department hosts 10 annual SAFE disposal events, short for “Solvents, Automotive, Flammable, and Electronics.” At these events, two in each borough annually, New Yorkers can drop off these harmful household products. These products include paint, household cleaners and chemicals, automotive fluids, electronic waste, unwanted medicines and other potentially dangerous products from around the home. In the last two years, the Department has begun offering smaller “pop-up” SAFE events in partnership with local elected officials and community groups.

The Department also operates 5 household special waste sites, one in each borough. These sites are open every Saturday and the last Friday of each month. These sites, which are regulated by the New York State Department of Environmental Conservation (DEC), accept latex paint, fluorescent light bulbs, mercury-containing devices, car batteries, and other common special waste products. Together, these programs collected more than 600 tons of household hazardous waste in Fiscal Year 2018.

State Laws and Mandates

New York City's waste stream and our non-curbside recycling programs are influenced heavily by State law. The “Bottle Bill”, more formally known as the New York State Returnable Container Law, is an effective program that diverts a significant quantity of bottles and cans. Bottle Bill diversion represents the diligent source separation of containers by New York residents that are captured not in our curbside collections but rather through redemption centers. However, because this material is not collected in our recycling trucks, we are not able to count this in our mandated curbside diversion rate. This means that the overall amount of material recycled by New Yorkers and our recycling diversion rate are both effectively much larger than our statistics show.

Since the Bottle Bill was amended in 2012, the deposit initiators are no longer required to report on the quantity of redeemed beverage containers by county to the NYS DEC, which had until then published them. Each year we work to get voluntary reporting of bottle bill diversion from redeemers operating in New York City, and report this in our non-curbside statistics, but we do not have a full picture. Our partial reporting from Fiscal Year 2018 documented more than 50,000 tons of bottle and cans redeemed – and we think that the total number likely is more than double this amount.

Several other State laws mandate non-curbside collection programs for various products. The Electronic Equipment Recycling and Reuse Act established the disposal ban that has led to the success of our City-run electronic waste recycling programs. However, that law, which preempted a similar City law, did not set sufficiently clear or aggressive requirements for electronics manufacturers to fund take-back and recycling programs. While New York City has benefited substantially from the extended producer responsibility components of this law, especially in comparison to many upstate counties, cities and towns, we have been forced to

shoulder additional costs associated with our appointment-based electronic waste collection program.

In addition, the State has enacted laws requiring plastic bag recycling and rechargeable battery recycling in certain establishments. However, both of these laws create challenges from both the measurement and enforcement perspective. The Department continues to advocate for better reporting requirements and local enforcement authority for these and other State-mandated non-curbside recycling programs.

Future Efforts

Looking forward, the Department will continue to seek new and innovative ways to reduce, reuse and recycle waste through non-curbside methods. There are several categories of waste for which few or no recycling options currently exist. We are excited to finally implement the ban on expanded polystyrene food service products, and we look forward to working with the state and city governments to enact meaningful reform for single-use carryout bags. We will continue to evaluate options to promote reusable or recyclable alternative products, and we will explore options for additional non-curbside recycling programs.

In addition, we have increasingly looked upstream in the product cycle to influence the choices that manufacturers, retailers, and consumers make as they create, design, sell, and purchase products. The Department has worked with several consumer goods manufacturers, waste management enterprises, and other states and municipalities to work toward a Circular Economy, where products and resources can be continuously reused, refurbished, and regenerated for ongoing use as new products.

Intro 1075

I now turn to Intro 1075 which authorizes the creation of a two-year pilot program, in no fewer than three boroughs, to collect organic material from city offices that receive Department collection service. The Department currently provides organics collection service in certain City buildings on request and where collection service is available, including City Hall. We also offer curbside organics collection service at nearly 800 public schools.

The Department supports the goal of aligning our City government more closely with our zero waste goals, and we look forward to embarking on this pilot to help us study participation rates and tonnage diversion in order to achieve our goal. I would also like to thank the Public Advocate for sponsorship of this bill and for her ongoing dedication to sustainable waste management both in her current role and in her tenure as Chair of this committee. I am pleased to wish her good luck as she heads to Albany to assume the Office of Attorney General.

Together, we as New Yorkers have an incredible opportunity to achieve our goal of sending zero waste to landfills by 2030 through a combination of both curbside and non-curbside collection programs. The initiatives I have outlined today place us on a path to achieve this goal, and I thank the Administration and the Council for their past, present and future support as the Department leads the City on this journey.

Thank you for the opportunity to testify today, and we are now happy to answer your questions.



FOR THE RECORD

**Proposed Int. 1075-A
Pilot Organics Collection Program in City-Owned Administrative Buildings**

Testimony of Manhattan Solid Waste Advisory Board

December 18, 2018

Chairman Reynoso and members of the Committee, the Manhattan Solid Waste Advisory Board (MSWAB) strongly supports Proposed Int. 1075-A which would establish a pilot organics collection program in at least 15 City-owned or leased buildings in three boroughs through 2021.

It is no secret that the City faces an uphill battle in educating residents about organics recycling on a number of fronts. Providing infrastructure and access to organics recycling for City employees and students will help them to internalize the simple fact that separating organics is no different than separating paper. The City's ambitious plan to send zero waste to landfills by 2030 will require a significant change in practices by New York City residents, and City buildings are a good point of intervention.

Organic Material in New York City's Waste Stream

As most of us know, one-third of the residential waste stream is composed of organic materials, and, in addition to residential buildings, offices and administrative buildings generate significant amounts of food scraps. Organics are the heaviest portion of the waste stream, and thus the costliest to transport to distant landfills. Organic materials generate greenhouse gas emissions, primarily methane, when they decompose and transporting them generates significant emissions as well. Thus, removing this material from the waste stream is important as the City seeks to reduce its overall carbon emissions.

When done correctly, organics collection in offices and administrative buildings is very similar to regular recycling. Compost bins can be emptied with the same frequency as the other waste bins in the building, and separately sorted organics can be recycled, just like metal, glass and plastic. Organic material can be recycled into a soil amendment, which can be done locally, reducing transit costs and also providing a locally generated resource for soil that can improve water retention, biodiversity, and plant health.

Proposed Int. 1075-A

MSWAB supports Proposed Int. 1075-A for several reasons. First, while DSNY has expanded the residential organics collection program to serve over 2 million residents in all five boroughs, as well as 100 public schools in Brooklyn and Manhattan, the program is still voluntary. This has translated into low utilization and high operating costs. While DSNY

typically collects nearly 10,000 tons of refuse per day, it collects well under 100 tons per day of organic material. That means that, on average, trucks picking up organic materials collect approximately a half-ton per run, even though trucks can carry up to 12 tons of material. Incorporating City-owned or leased administrative buildings into the residential program can help generate cost efficiencies and lower the overall cost of the curbside organics program. This is important because DSNY has recently halted expansion of the program in part because of these inefficiencies, and it is likely that the program could see future funding cuts if current trends continue.

Second, this bill is important because a significant amount of organics can be collected from City-occupied buildings. Although the bill does not specify which City buildings would be included in the pilot program, it could choose to include CUNY or City-run hospitals. There are almost a quarter million students enrolled in CUNY institutions and almost 5,000 beds in City-run hospitals. These facilities generate significant amounts of food waste and would be logical places to include as part of the pilot. Should the pilot prove successful, the Council should seriously consider mandating that all commercial buildings that receive DSNY collection services, including cultural institutions and non-City owned universities, participate in the organics collection program given the amount of organics generated at these locations and the overlap in existing collection services.

Third, collecting from these building can create behavior changes by City employees and students and help the City reach its zero waste goals. Educating and training City employees, CUNY staff and students, and others on the environmental benefits of composting and how to properly separate and dispose of organic material can have positive ripple effects across the City.

MSWAB believes that Section Four is particularly important. Outreach and education to the City buildings that are included in the pilot is essential to ensure that the program is successfully implemented. Staff and employees will need to receive instructions on how to properly use the bins to ensure that contamination rates remain low, and to dispel myths about composting. If properly educated, these individuals can become advocates for organics recycling and will further the City's zero waste goals.

In conclusion, the Manhattan SWAB wholeheartedly supports Proposed Int. 1075-A and urges members of this Committee to vote in favor of its passage. Thank you.

Cullen Howe, Member, Manhattan SWAB

Cc: Sarah Currie-Halpern, Chair
Laura Rosenshine, Vice Chair
Chris Johnson, Co-Secretary
Katie Hanner, Co-Secretary
Diane Orr, Treasurer

N Y L P I

**JUSTICE THROUGH
COMMUNITY POWER**

**Comments of Justin Wood, Director of Organizing and Strategic Research
New York Lawyers for the Public Interest
Before the City Council Sanitation Committee
Re: Intro 1075
December 18, 2018**

With every international and federal report finding that we have entered a period of accelerating climate change and climate-related social crisis, it is imperative that our local government do everything in its power to reduce greenhouse emissions, including emissions from landfilling of organic waste. Thank you Public Advocate James for introducing this bill and Chair Reynoso for holding this hearing.

Intro 1075 will initiate a two-year composting pilot program in a limited number of municipal buildings across three boroughs. We would strongly prefer a more ambitious bill that goes much further toward ensuring that every New Yorker can participate in organics recycling both at home and at work, and we urge DSNY to expand organics recycling service to a larger number of municipal buildings as soon as possible.

As a pilot program, this bill is a small step in the right direction that can set the stage for a much bolder expansion of both municipal and commercial organics recycling across the City.

1. First, encouraging our huge city workforce to participate in waste diversion at work also promotes organics recycling at home. Thousands of municipal employees and New Yorkers visiting these municipal buildings can become ambassadors for organics recycling at home and across our communities.
2. By increasing the volumes of source-separated organic waste along DSNY collection routes, this measure may enable some of these routes to become more efficient and cost-effective. Both the collection and processing of organic waste via composting and anaerobic digestion also create significantly more jobs than

exporting waste to landfills or incineration, and should be viewed as a source of green job development for the NYC region.

3. Organic waste collection from municipal buildings can also serve as a model and testing ground for similar types of buildings in NYC's huge commercial sector, which lags far behind other cities in recycling. As you know, DSNY and the City Council are preparing to implement a zoned waste collection system. This historic reform of the private waste system will require private haulers to meet disposal reduction targets consistent with the City's Zero Waste goals, and provide accurate and transparent data about quantities collected and recycled.

Because the zone system will enable DSNY to have far more oversight and involvement in commercial recycling programs, comparisons between municipal buildings and commercial buildings could enable the agency to test employee education, contamination levels, and diversion rates to find best practices as both recycling programs expand.

The City's One NYC plan calls for a 90 percent reduction of disposed waste from both the DSNY-managed municipal waste stream and the commercial sector by 2030, which necessitates major growth in organics recycling participation in both sectors over the next ten years. If we face the stark reality of the climate crisis, Cities like New York will need to achieve major greenhouse gas emissions reductions across every sector, including waste management, as quickly as possible.

In conclusion, we hope the pilot program in Intro 1075 is viewed as a small but important precursor to a much larger transformation of our City's waste systems.

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Memorandum in Support

Int. 1075A-2018

In relation to an organic waste curbside collection pilot program

The New York League of Conservation Voters (NYLCV) supports the passage of Int. 1075-A, sponsored by Public Advocate Letitia James. This bill mandates the Department of Sanitation establish a pilot program to collect organics from buildings occupied by city agencies and institutional special use buildings.

Diverting organic waste from landfills is a critical component of the City's zero waste goal (0x30). Organics represent the largest category of waste at 34% of the overall waste stream. This waste emits large quantities of methane, a potent greenhouse gas that is harmful to our environment, but can otherwise be recycled to become compost or clean energy.

Reaching the 0x30 goal established in OneNYC will require work from all New Yorkers--cooperation of city officials and private industry, and buy-in from the general public. And as is the case for all of our ambitious sustainability goals, the City should be leading the way--going farther, faster than they're expecting of everyday New Yorkers.

As of FY 2017, curbside recycling rates were approximately 17.5%. While this is an increase from 2005 levels, it is moving far too slowly to reach the 2030 benchmark. More aggressive actions are necessary to get us on track to 0x30 and the City can and must lead by example to achieve these ambitious goals. While we wish the bill went further, a pilot program to expand the organics program to city agencies and special use buildings is a positive step forward. If this bill is adopted, we strongly encourage the Department make the pilot available to as many city agencies as is practicable with an eye toward expanding to all city agencies and institutional special use buildings served by DSNY.

Further, NYLCV hopes that the outreach and education conducted pursuant to Intro 1075-A will be used to inform the Department of best practices to expand into an outreach program citywide on recycling.

For these reasons, the New York League of Conservation Voters supports Intro 1075-A. We urge the City Council pass this important legislation.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/18/2018

(PLEASE PRINT)

Name: Bridget Anderson

Address: _____

I represent: DSNY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/18/2018

(PLEASE PRINT)

Name: Kathryn Garcia

Address: DSNY

I represent: _____

Address: 125 Worth

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1078-A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC GOLDSTEIN

Address: _____

I represent: Natural Resources Defense Council

Address: 40 West 20 St NY NY

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

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1075 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Adriana ESPINOZA

Address: _____

I represent: NYLCU

Address: _____

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Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JUSTICE WOOD

Address: _____

I represent: NYLPI

Address: 150 W 30th St.

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Appearance Card

I intend to appear and speak on Int. No. 1075A Res. No. _____

in favor in opposition

Date: 12-18-18

(PLEASE PRINT)

Name: Greg Tolk

Address: 1080 Bergen St #244 Bklyn 11216

I represent: Community Carting & Composting

Address: Same

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