sanitation
Edward Grayson Commissioner

Testimony of
Edward Grayson, Commissioner
New York City Department of Sanitation

Hearing before the
New York City Council Committee on Sanitation & Solid Waste Management

Wednesday, April 21, 2021
1:00 P.M.

Oversight: Getting to Zero Waste
and Intros 844, 2103 & 2250

Good afternoon Chair Reynoso and members of the City Council Committee on Sanitation and Solid Waste Management. I am Edward Grayson, Commissioner of the New York City Department of Sanitation. I am joined today by Bridget Anderson, Deputy Commissioner for Recycling and Sustainability, and Gregory Anderson, Deputy Commissioner for Policy and External Affairs. Thank you for the opportunity to testify this afternoon on the important subject of zero waste and the three bills under consideration today.

It is especially appropriate to recognize that tomorrow, April 22nd, we celebrate the 51st anniversary of Earth Day, a time when people, groups and cities across our nation and the globe come together to raise awareness and inspire action on sustainability and climate change. Achieving zero waste to landfills is a key part of the City's efforts to fight climate change and improve our environment.

I also want to take a moment here to reflect on where we were last year at this time and where we are today. One year ago, we were facing some of the most painful budget cuts in City history – to ensure we could continue core government operations and to devote resources to essential safety, health, shelter, and food security needs. As an unfortunate consequence, we were forced to hit the pause button on other Department programs, including deep cuts to some of our beloved zero waste programs. For me personally, this was difficult because I have spent much of my career over the last decade leading the operational implementation of many of these programs.

Before the COVID pandemic, we were making steady progress toward our goals, increasing diversion rates and expanding access to a growing suite of programs. Unfortunately, the pandemic has halted some of that progress. While MGP and paper collection tonnage is up significantly, refuse tonnage is also up in most districts, and waste generation patterns have shifted as a result of the economic toll of this crisis.

As the City's continues to recover, we're likely to see a shift again in new and evolving waste generation patterns. DSNY has never stopped planning for the future, despite these circumstances. The Department is committed to moving ahead to rebuild and reinvest in these important programs and redouble our efforts to fight the climate crisis.

Zero Waste Programs

Reducing greenhouse gas emissions from solid waste involves reducing the volume of waste generated, collecting food waste — largest source of waste-related GHG emissions to make compost or energy — and increasing reuse and recycling of remaining materials. To achieve zero waste, the Department will implement large scale changes to some of its current programs while implementing new, improved and expanded programs that target recyclables, organics, textiles, electronics, household items and other non-recyclable waste.

Organic waste, including food scraps and yard waste, is the most significant contributor of waste-related greenhouse gas emissions – and is also the largest category of New York City's waste stream. This material makes up one-third of the current waste stream and represents a significant opportunity to reduce emissions from landfilled waste by diverting this material for beneficial methods including composting and anaerobic digestion, and in the case specifically of food waste, to minimize it at the source.

The suspension of curbside composting last year was difficult for us. We invested a lot of time and energy into that program over the last several years, and it is a very important part of achieving our zero waste goals. I am pleased that the preliminary FY 2022 budget includes $3.5 million for the NYC Compost Project to continue operating food scrap drop off sites across the city and support community composting. These drop off sites have been extremely popular, breaking participation records over the last several months. We also offer resources to support those who are able to compost at home, both through the Department's website and through the NYC Compost Project partners. As the City continues to recover, we look forward to further restoring and expanding our composting programs in the future.

Another example of DSNY's community-based approach to zero waste is donateNYC, which helps New Yorkers give goods, find goods, and do good. By donating and reusing goods instead of discarding them, New Yorkers can greatly reduce waste, conserve energy and resources, save money, and help provide jobs and human services for New Yorkers in need. DonateNYC also provides vital support for New York City's reuse community, helping nonprofit organizations and local reuse businesses increase and promote their reuse efforts.

The preliminary FY 2022 budget also provides funding for the Department to reinstate its special and hazardous waste collection programs. We expect the special waste drop off sites to reopen in July with the same schedule as in prior years: every Saturday and the last Friday of each month. We are also planning for SAFE disposal events in each

borough this fall. These drop-off events provide for the collection of household hazardous waste.

We also thank the City Council for enacting legislation to reduce or eliminate hard to dispose of items. Imposing the five-cent fee on paper carryout bags at stores has helped reduce single-use plastic bag waste by encouraging New Yorkers to bring their own reusable bags. We have also distributed more than 1 million reusable bags to New Yorkers since 2016, and, through February, the paper bag fee has generated more than $840,000 in revenue for NYC to support these efforts. The City's foam ban, which took effect in January 2019, prohibits businesses from using, offering or selling single use foam food-service products and loose fill packing material, and has also contributed to a reduction in foam product waste.

There is no denying that our goal of sending zero waste to landfills by 2030 was ambitious from the start; we set the bar very high. Unfortunately, some policy changes needed to make this happen are not within the City's control, and the State government also plays a key role in waste policy. The Department has been actively engaged in efforts at the State level to enact extended producer responsibility programs (EPR) for paper and plastic packaging. EPR requires the manufacturers and retailers of products to be financially responsible for the recycling or disposal of those products. EPR for packaging and paper has the potential to support the funding of outreach, for recycling infrastructure investments, and to reimburse the city for at least a portion of recycling collection costs. It has the potential to reduce the City taxpayer burden of recycling by tens of millions of dollars.

There are City and State EPR programs already in place for electronics, mercury thermostats, rechargeable batteries, and refrigerant-containing products, and soon the State will implement programs covering paint and pharmaceuticals. Sharing the cost of sustainable materials management with producers is be an important tool to help the City advance its sustainability goals.

Achieving zero waste and shifting to a thriving circular economy depends on high recycling rates. While recycling rates have been improving, thanks in part to the Department's outreach efforts, the city still has a long way to go. Best practices around the world have demonstrated the success of a combination of outreach, financial incentives, and infrastructure that allows recycling to be simple, easy, and convenient. Given our dense built environment, diverse neighborhoods and older building stock, this change can be difficult. But we will continue to challenge ourselves to improve and do better.

Intros. 844, 2250 and 2103

I will now turn to the three bills that we are here today to discuss.

The first bill, Intro. 844, would require the Department to establish a goal of diverting 100% of citywide-generated waste by 2030. If the Department determines that such

goal is not feasible despite best efforts, the Department must report such findings and make recommendations for actions that it may undertake to achieve such diversion within 180 days of such determination.

The second bill, Intro. 2250, would require the Department to submit to the mayor and Council Speaker, on or by July 1, 2021, a plan to send zero waste to landfills by 2030, with annual progress reports beginning July 1, 2022.

The last bill, Intro. 2103, would require large retail food stores to post notices on the Department's food donation portal of excess food they have available for donation at least once per month, except for those stores that already have agreements in place to donate their excess food to not-for-profit organizations. Retail food stores would be required to arrange for the transportation of the excess food with reasonable effort if requested by the recipient.

I want to thank Chair Reynoso and the sponsors of these bills for introducing them and for convening this important conversation today. The Department supports the spirit of all three bills. Nevertheless, I have concerns about the timeline of the zero waste goal and the reporting requirements set forth under Intros 844 and 2250. Our learnings from past efforts, combined with the setbacks caused by COVID-19, show that we need to take an all-in approach to zero waste, including a combination of new policies and programs, legislative reforms, and partnerships with the private sector. While we will work aggressively to make progress as quickly as possible, the setbacks of COVID have made it difficult to predict the timeline of achieving this goal at this time.

As to the reporting requirements proposed under Intro 2250, the Department already publishes detailed monthly diversion and disposal statistics for curbside collection programs by district and borough. Additionally, the Department publishes an annual report covering all of Department programs, including curbside collections as well as non-curbside programs for e-waste, textiles, used goods, and special waste. These reports are required under various local laws passed over the past several decades, are posted on the Department's website and are publicly accessible. The reporting requirements set forth in Intro 2250 as written would be duplicative with the existing required reports. We look forward to further discussions with the Council to discuss changes to these reporting requirements that achieve our mutual goals of transparency and accountability.

As to Intro. 2103, the Department created a food donation portal pursuant to Local Law 176 of 2017, which matches prospective donors and recipients based on the availability of excess food. We are pleased that the Council would like to expand the use of this program, and we support the goal of encouraging food retailers to safely donate excess food to organizations who help feed hungry New Yorkers. However, I would like to hear more from the retail food industry and others who have joined us today, to better understand the impact of this legislation on their daily operations, their current food donation efforts and their ability to meet the bill's requirements.

Conclusion

As the Department works to support our City's Recovery for All, we remain committed to our zero waste goals. We will continue to work with communities, stakeholders and this Council to develop, expand and deepen our programs in support of these goals. Thank you for your time, and I am now happy to answer any questions.

Committee on Sanitation

April 21, 2021

Do not hold climate resilient infrastructure hostage

Good afternoon, my name is Meredith Danberg-Ficarelli. I am the Director of Common Ground Compost LLC, a member of the Save Our Compost Coalition, a member of the Manhattan Solid Waste Advisory Board, and a Board Member of the US Composting Council. Through my work, I build zero waste programs, advocate for the expansion of access to waste reduction services, and center education on materials literacy, the power of individual behavioral change, and the recognition that all people must demand structural change in order to build a livable and just future for all.

We support a citywide Zero Waste policy, from the perspective that NYC has an opportunity to live the example it claims to set. Most New Yorkers did not participate in voluntary waste diversion programs when they existed. 2020's global reset, and the forced restructuring of our budgets, must be leveraged to build a new strategy.

Climate resilient infrastructure requires significant up front investment to provide long term services and benefits. Waste infrastructure, alongside our energy grid and water supply, must be reimagined, and all levels of government must recognize that now is the time to find the funds to build what our future needs. We can not wait.

Local waste diversion will save money over time compared to landfill and incineration costs, but simple economics must not be the only variable in this equation. Waste infrastructure disproportionately harms chronically disenfranchised communities, and we must fund and build while dismantling that harm.

Waste diversion programs and education should be at the core of the City's zero waste strategy. To get there, we must identify and analyze all costs associated with our current waste management operations, including institutional, residential, and commercial systems, and identify alternative uses for what is likely more than $1B/year only in waste export costs.

I want to thank all the zero waste advocates, experts, students, supportive elected and appointed officials, and trash enthusiasts who are building momentum and continuing to fight for waste diversion. Our future depends on all of us holding our representatives to the task of letting us build the economy we want to see, and your voices matter.

Thank you

Meredith Danberg-Ficarelli

Common Ground Compost LLC

Testimony of Prof. Rebecca Bratspies on Behalf of the Center for Urban Environmental Reform to the City Council Committee on Sanitation and Solid Waste Management, April 21, 2021.

My name is Rebecca Bratspies, I am submitting this written testimony on behalf of the CUNY Center for Urban Environmental Reform (CUER). CUNY School of Law is dedicated to 'law in the service of human needs.' and as a justice center at the school, CUER works from the proposition that environmental justice is a critical aspect of social justice. To that end, CUER is committed to helping overburdened communities advocate for environmental justice.

CUER commends this committee for taking up Int. 844, which sets the ambitious goal of diverting 100% of New York City waste by 2030. Pursuant to Local Laws 60 and 64, New York City recently released its map of environmental justice neighborhoods. CUER urges this committee to prioritize the City's recently delineated environmental justice communities, especially NYCHA housing as it moves forward with bringing the zero waste goals identified in Int. 844 to fruition. Int. 2103, which focuses on diverting organics from the waste handling system is an important step toward the goal of zero waste as is Int. 2250. City-wide composting will also be an important part of achieving the zero waste goals laid out in Int. 844. CUER urges this committee to support robust universal curbside organics collection and composting drop off sites in every neighborhood across the city, prioritizing the environmental justice neighborhoods identified pursuant to Local Laws 60 and 64.

To that end, CUER reminds this committee that environmental justice requires not only a fair distribution of environmental burdens across society but also that affected communities have opportunity to participate meaningfully in the public decision-making processes by which environmental choices are made.

To be "meaningful," participation must occur at a point in time that allows community concerns to be considered in environmental decision-making, and must involve opportunities for affected communities to contribute information, ask questions, and share their perspective with decision-makers. Communications that flow one-way from decision-makers to communities, informing them about decisions already made elsewhere based on uncommunicated priorities do not amount to "meaningful participation." Processes that give the veneer of public participation without actually allowing any opportunity to share their concerns or influence decisions undermine public trust in government and impoverish public discourse.

With that critical sense of the role that meaningful public participation plays in legitimating public decision-making, I would like to share some recent experiences with public participation in decisions concerning waste handling in New York City.

For the past year, CUER has been collaborating with a number of community groups in Jamaica, Queens. New York City and New York State both identify the neighborhood as an environmental justice community.[1] The population is overwhelming people of color, 32.1% of whom live below the poverty line.[2] The neighborhood has one of the highest levels of food insecurity in the City,[3] and just over 30% of households are severely rent burdened.[4] COVID-19 starkly revealed the connection between these racial and economic demographics and health outcomes in this area.[5] Nearly a quarter of Jamaica residents do not have health insurance.[6] The childhood asthma hospitalization rate in this neighborhood is five times the rate in wealthier, whiter neighborhoods of the City,[7] and the adult asthma hospitalization rate is double the Queens average.[8] EPA's environmental justice screen shows elevated levels of pollutants like Ozone, Diesel, $PM_{2.5}$ in this area.[9]

At the request of community members, CUER has been assisting members of this community gather information with regard to the laws and regulations governing waste transfer stations in their neighborhood. These waste transfer stations are inappropriately located in an M-1 zone, directly adjacent to a public park and a residential neighborhood. This neighborhood was one of the four communities of color that the 2018 Waste Equity Law was intended to protect from excessive environmental burdens associated with waste handling.

Despite a clear direction in the Waste Equity Law that capacity at these facilities be decreased, there is apparently an ongoing process facilitated by elected officials to assist these waste transfer stations in an expansion process. I say "apparently" because although elected officials were writing letters of support for this proposal in Fall of 2018, the community learned about it for the first time last week—exactly one day before a so-called public meeting on the proposal on April 15, 2021. The meeting is a "so-called public meeting" because although there was a poster announcing this meeting, it was not actually posted anywhere in the community—either physically or virtually. The meeting was not included in any newsletter, nor posted to any community boards. It made its

---

[1] DEC, Maps & Geospatial Information System (GIS) Tools for Environmental Justice, https://www.dec.ny.gov/public/911.html; New York City's Environmental Justice For All Report, EJ Map, https://nycdohmh.maps.arcgis.com/apps/instant/lookup/index.html?appid=fc9a0dc8b7564148b4079d294498a3cf.
[2] NYC EJ Map, community data.
[3] Naeisha Rose, *These Queens neighborhoods have the city's highest levels of food insecurity*, QNS (Nov. 26, 2018), https://qns.com/2018/11/queens-neighborhoods-citys-highest-levels-food-insecurity/.
[4] NYU Furman Center, State of the City 2019, Jamaica/Hollis QN12, *supra* note **Error! Bookmark not defined.**__ (defining severely rent burdened as spending more than 50% of household income on rent.).

[5] *See e.g.*, *12 NYC Neighborhoods With Covid-19 Positivity Rates Above 3%*, ABC News (Oct. 5, 2020); *Which Are the Hardest Hit COVID-19 Neighborhoods, NYC Neighborhood Opportunity Network, https://www1.nyc.gov/site/neon/programs/covid-neighborhoods.page*
[6] *NYC Health 2015 Community Health Profiles 2015, Queens Community District 12: Jamaica and Hollis*, https://www1.nyc.gov/assets/doh/downloads/pdf/data/2015chp-qn12.pdf (last visited Dec. 30, 2020).
[7] *Id.* In Queens Community District 12 32 out of every 10,000 children are hospitalized for asthma as opposed to 21 in Queens overall and levels as low as 6 in the wealthiest neighborhoods. *Id.*
[8] *Id.* This neighborhood has the highest rate of adult asthma hospitalization in Queens, affecting 231 out of every 100,000 adults compared to 141 in Queens overall.
[9] EPA, Environmental Justice Screen, EJSCREEN: Environmental Justice Screening and Mapping Tool | US EPA.

way to Facebook the afternoon before the meeting. The community owes its very knowledge of this meeting to this committee, which received the poster and promptly shared it with NYC-EJA.

During the period between Fall 2018 to the present, there was no public outreach, no stakeholder consultation, no opportunity for "meaningful involvement" in this momentous decision that will significantly impact one of the communities the Waste Equity Law was designed to benefit. The April 15, 2021 meeting similarly offered no such opportunities. This meeting was a Zoom webinar, which merely informed those present about the project, solicited no suggestions, feedback, or ideas. There was no opportunity for any form of direct public participation. The presenters were identified by first name only, and provided no contact information, and no opportunity for follow-up. Questions could be submitted only through the Zoom Q&A function, and the few questions that were posed to the presenters were paraphrased, rather than read aloud. To my certain knowledge multiple substantive questions were neither posed nor answered. CUER's request for the video of this recorded meeting, the attendee list, and the questions submitted by attendees received a response that the video and other relevant data was wholly in the custody of the waste transfer station, not the City Councilmember who called the meeting. This is an astonishing breach of the Open Meetings Laws!

This is not public participation. This is not environmental justice.

As this committee takes up the important work of getting New York City to zero waste by 2030, I urge you to keep environmental justice at the center of your work. That means keeping meaningful community participation at the center of your work. Environmental justice is social justice, is economic justice, is racial justice. It starts with opportunities for meaningful participation that invite those most affected into the decision-making process and takes their concerns and priorities seriously.

TESTIMONY SUPPORTING INCREASED FUNDING FOR COMPOSTING AND INTROS 0844, 2250, and 2104

April 21, 2021

My name is Jane Selden, and I'm here representing 350NYC, a grassroots environmental group focusing on NYC climate issues. 350NYC is a member of the #SaveOurCompost coalition and of Climate Works for All, a coalition of labor, community, climate and environmental justice organizations promoting just and equitable solutions to the climate crisis.

As an environmental group, we recognize the vital role waste reduction plays in reducing greenhouse gas emissions and support policies that promote diversion from landfills and incinerators. According to the 2017 DSNY Waste Characterization Study, while New Yorkers have the potential to recycle 68% of their trash, the current recycling rate is a mere 18%. This recycling failure means most of the 12,000 tons of trash a day produced by residents, municipal buildings and schools is transported long distances, often by diesel trucks, to landfills as far away as Ohio, Pennsylvania, and Virginia. These landfills emit methane, a greenhouse gas 30X more powerful than CO2. Landfills are, in fact, responsible for 36% of all methane emissions in the U.S. Some of the City's waste is sent to incinerators, which not only produce greenhouse gases, but noxious emissions like dioxin, nitrous oxide, mercury, and lead. Most landfills and incinerators are located in low income communities and communities of color, whose residents suffer from a range of serious health issues as a result of exposure to these toxic emissions.

In 2015 the de Blasio administration released their OneNYC sustainability plan, which cited expansion of organics collection as its number one priority in reducing solid waste and reaching its goal of "zero waste to landfill" by 2030. Yet, even before the pandemic, the City's residential organics recycling rate was only a little over 1%. And, this past year we have seen the cancellation of curbside organics recycling and draconian cuts to funding for neighborhood food scrap drop-offs and composting sites. This has not only meant an increase in organic waste ending up in landfills, but also that even more is trucked to the City's waste transfer stations located in environmental communities, where residents are already subjected to unhealthy levels of air pollution. Community-based organics recycling was struck yet another devastating blow when the Park's Department made the inexplicable and senseless decision to evict two major compost non-profits, Big Reuse and the Lower East Side Ecology Center, from parkland where they have operated composting sites for many years. Needless to say, these are not the actions of an Administration that is truly committed to prioritizing organics waste recycling.

What is clear is that we need more than a “pledge” to achieve the City’s ambitious zero waste reduction goal; we need laws that will ensure that regardless of the current mayoral administration, the DSNY will be making steady progress towards its “zero waste to landfill” goal. This is why we support Intro 0844, sponsored by Councilmember Kallos, which would establish the goal as a law and Intro 2250, sponsored by Councilmember Reynoso, which would provide a roadmap with timelines and annual targets for achieving it. We also support Intro 2103, sponsored by Councilmember Rosenthal, a bill requiring food retailers to post notification of availability of excess food on the City’s food donation website. This bill will not only reduce the 10% of supermarket food that ends up in landfill, but will serve the needs of the over 1.5 million New Yorkers, including one in four children, who currently suffer from food insecurity.

Finally, we would like to thank the City Councilmembers for supporting the Climate Works for All Coalition’s request that $14.8 million dollars be allocated for composting in the FY 2022 budget. This funding will divert many more tons of organic matter from waste facilities and landfill by increasing the number of neighborhood organics drop-off and processing sites, supporting school composting programs, establishing recycling programs in municipal buildings, and subsidizing the study and piloting of organics recycling programs in multi-family buildings. This expansion of composting will not only create good green jobs at a time of soaring unemployment, particularly in low income communities, but will move us further along the path to mandatory city-wide organics recycling.

Thank you.

Jane Selden
350NYC

Testimony Prepared by the Manhattan Solid Waste Advisory Board to the City Council Committee on Sanitation & Solid Waste Management
Oversight Hearing on Zero Waste
April 21, 2021

Good afternoon Chairman Reynoso and members of the Sanitation Committee. I'm Kathy Nizzari of the Manhattan Solid Waste Advisory Board. Thank you for the opportunity to speak today. We commend you for your hard work and urge you to pass Intros 844, 2250, and 2103 as important first steps in getting New York's Zero Waste by 2030 goal on track as we emerge from the pandemic.

Zero Waste must mean Zero Waste to landfill AND incineration, or we are trading one environmental problem for another.

New York recycles just 18% of its waste. Another 18% is recyclables wrongly sent to landfill or incinerators. Compostable food scraps comprise yet another 33.6%. All told, this is nearly 70% of all city residential waste. An additional unknown amount of discarded materials curbside could be reused if collected. Diverting and donating it is necessary to eventually achieve Zero Waste.

Waste prevention and reuse have been at the top of the EPA's Solid Waste hierarchy but never supported here. NYC must legislate reduction in the production and consumption of single-use and other hard-to-dispose-of products and packaging, especially plastic. Successful programs in other cities must be replicated locally.

We paid more than $420 million to bury and burn waste last year, generating pollution and environmental degradation, feeding the climate crisis. Recycling and reuse programs and mandatory curbside organics can generate income, jobs, and other societal benefits. They must be legislated now.

Zero Waste intersects with Environmental Justice issues that are part of the work to build an equitable society. EJ communities have suffered the most from destructive waste management

policies exemplified by the more than 70% of our truck transfer stations located in just four communities of color. EJ must be embedded into every waste decision with these communities having full participation in decision-making going forward.

NYCHA, home to over 600,000 New Yorkers, has a recycling rate of just 1.5%. Innovation, fully involving residents and adequate funding are all crucial to address this.

An ongoing, multi-pronged, motivational city-wide Zero Waste public education campaign in the media, public spaces, transit stations, workplaces, and apartment buildings, would help New Yorkers who are confused about what and how to reduce, reuse, recycle, and compost. NYC's 1.1 Million school children are powerful influencers to their peers and families. It is critical to expand the School Organics Collection to all 1800 DOE schools by the next school year.

Enforcement needs adequate funding and intelligent implementation or Zero Waste will not succeed here.

NYC must design a Zero Waste Environment through education and incentives for architects, developers, building managers, and city planners using the Zero Waste Design Guidelines.

MSWAB has submitted written testimony with specifics about how all of this can be achieved. We look forward to working with you on these goals and thank you for your time.

###

Testimony Prepared by the Manhattan Solid Waste Advisory Board to the City Council Committee on Sanitation & Solid Waste Management
Oversight Hearing on Zero Waste
April 21, 2021

Good afternoon Chairman Reynoso and members of the Sanitation Committee. I'm Kathy Nizzari on behalf of the Manhattan Solid Waste Advisory Board. Thank you for the opportunity to speak today. We commend you for your hard work and urge you to pass Intros 844, 2250, and 2103 as important first steps in getting New York's Zero Waste by 2030 goal on track. As the city emerges from the pandemic, much work still needs to be done towards this end.

Zero Waste must mean Zero Waste to landfill AND incineration, or we are trading one environmental problem for another.

A. Introduction

NYC cannot achieve Zero Waste without a major transformation of its waste system. For the past ten years, New York City has recycled just 18% of its waste.[1] Another 18% of municipal waste is recyclables that are wrongly sent to landfill or incinerators; and 33.6% is organic waste that could be composted.[2] Together, this nearly 70% of all city residential waste--which, if recycled, would provide a great start to a Zero Waste NYC. An unknown additional percentage of curbside waste could be reused if collected--a crucial Zero Waste strategy. Reduction/prevention is the most important strategy and hardest to measure.

We wish to stress that Zero Waste intersects with multiple Environmental Justice issues that are part of NYC's work to build a more equitable society. But the majority of New Yorkers are confused about what and how to recycle, what composting means, or how to reduce and reuse. And while many are interested in ameliorating climate impact,

they don't understand the connection between the production and transport of consumer goods, packaging, waste, and greenhouse gases. Expenditure on waste education in NYC is presumed to be under $1/person/year.

Progress toward Zero Waste has been achieved in cities around the world using proven solutions. This success requires sufficient funding, but NYC's Zero Waste goals have always been starved. Recycling, composting, and reuse all can generate income for NYC.[3] Instead NYC paid $420 million+[4] to bury and burn these resources, while incurring expensive environmental costs of air and water pollution, climate change, and environmental degradation. Another significant benefit the City forfeited was the job-creation for reuse/repair, recycling, and composting. New York City must immediately renegotiate the long term contracts and begin reallocating funding and exported discards back to the City. When New York City institutes Zero Waste, we will no longer use the words "waste" or "garbage" but substitute the phrase "recoverable resources."

NYC must return to its commitment to achieve Zero Waste by 2030, a previous goal of the City. Solutions exist and must be implemented quickly:

1. Reallocate funding for waste export to landfill and incinerators to fund Zero Waste programs
2. Embed Environmental Justice into every waste decision
3. Institute universal mandatory curbside organics collection
4. Replicate programs from other cities that have successfully raised recycling rates
5. Create successful programs in NYCHA housing--an Environmental Justice flashpoint
6. Pilot and roll out (a) broad education on reducing waste and (b) reuse/repair programs
7. Properly fund intelligent, multi-pronged educational programs
8. Sufficiently fund enforcement
9. Pass legislation to incentivize prevention, reuse, recycling, and composting (eg: bans for unrecyclable materials and synergistic legislation with NYS).

B. Bottomline for the Budget

Contract costs for exporting recoverable resources to disposal facilities has gone up 35%, mostly since 2015. Organics exports alone now cost $169 million yearly to send to landfill and incinerators.[5] But these materials could instead be generating $10-22 million for the City as compost and renewable natural gas.[6] The cost for exporting our unrecycled paper, metal, glass, and plastic was $78 million. These costs could be avoided via prevention, reuse, and extended producer responsibility. When the City announced the goal of 0x30 (Zero Waste by 2030) in 2015,[7] it had already tied up $374 million yearly in binding Long Term Waste Export contracts (lasting up to 30 years), leaving little funding for Zero Waste programs.[8]

In 2020, waste prevention, reuse, and recycling were allocated $41 million, versus the pre-pandemic budget of $58 million. Compare that to the allocation for waste export: $369 million in 2020 and $424 million in 2021.[9] Please note: the budget for waste export is inversely proportional to the budget for reduce, reuse, recycling, and composting. NYC must reallocate funding from waste export to Zero Waste programs, simultaneously reducing negative environmental and human health impacts while increasing local jobs, all while saving money in the long run.

C. Environmental Justice

The City's waste management measures must prioritize Environmental Justice. More than 70%[10] of our intensive waste truck transfer stations are located in communities of color that are historically of low median income and lack political power. Waste from all over the city is transported to these areas, then transferred onto long-haul trucks for shipment to landfills and incinerators—generating truck traffic, noise, odors, and air pollution, and reducing quality of life with serious health implications. Meanwhile, EJ neighborhoods receive fewer of the resources and programs, including educational programs, that enable residents to dispose of their waste responsibly (reducing waste, of course, being the best solution). Any efforts towards reduction of our City's total waste goes towards reducing the number of trucks traveling in and out of these neighborhoods, which is usually the leading bottom line with any zero waste EJ conversation. Members of EJ communities should have full participation in decision making as equal partners, amplifying the needs and honoring the cultural integrity of all our communities.

D. Public Education and Schools

NYC needs a city-wide Zero Waste public education campaign in the media, public spaces, transit stations, workplaces, and apartment buildings, including information provided by landlords and building managers to tenants. The messaging can be positive, showing the connections between Zero Waste and combating climate change, job creation, and tax dollar savings. It must explain why reducing consumption, increasing repair and reuse, and carefully separating waste streams for recycling are in citizens' best interests. To maximize effectiveness, the campaign must be informed by reliable research into public attitudes and knowledge (or lack thereof) about how to reduce, reuse, recycle, and compost.

NYC Department of Education, serving 1.1 million students, with 135,000 employees, has a pivotal role in educating students on the benefits of Zero Waste and the greater climate issues. These students are powerful influencers to their peers and families, creating lifelong values. New cafeteria recycling signage should illustrate the connection

between wasted food, GHG emissions, and climate change, so that composting and waste reduction becomes their daily climate action. Zero Waste classroom education can overlap both nutrition and climate education, innovating an interdisciplinary P-12 curriculum that also provides students of all ages opportunities to participate in designing solutions for achieving zero waste schools by 2030, along with incentives that promote student leadership roles in the cafeteria and neighboring communities, such as NYCHA.

While we applaud DSNY for committing to restore the School Organics Collection to pre-pandemic service this fall, it is critical to expand the program to all 1,800 NYC DOE schools by the 2022-23 school year.

E. Organics/Composting

NYC's organics collection program has been successful, but very limited. At one time, NYC planned to expand the program to all New Yorkers by 2018. Then, in May 2020, the entire program ended due to COVID-19 budget cuts. Now, all our food and yard scraps are exported to out-of-state landfills or incinerators, costing NYC $169 million yearly until at least June 30, 2022.[11]

Diverting organic matter--a third of our waste stream--is potentially the simplest and most cost-effective Zero Waste strategy. Composting simultaneously reduces waste and climate impacts, saves money/generates income, amends soil, addresses food insecurity, provides animal feed, produces energy, and creates jobs.

Recent new budgetary allocations reinstate some, but not all, of the funds cut from the voluntary organics program during the pandemic. Reinstating the voluntary program is important to maintain food scrap collection behaviors by NYers as part of their daily habits. We must add new food-scrap drop-off locations in underserved communities--an Environmental Justice issue. But we need mandatory universal curbside organics collection, based on successful past programs, as soon as possible.

F. Residential Recycling

NYC must improve its abysmal 18% recycling collection rate. Strategies include:

- importing successful programs from other cities;
- enacting citywide legislation to require the use of clear bags, not opaque, to support enforcement and inspire residents to recycle;
- studying public attitudes towards recycling, then funding outreach and education informed by the research;
- improving DSNY's website to be a more powerful and useful, comprehensive reduce/reuse/recycle tool;

- and requiring landlords/property managers to issue annual notices (like child guards, lead paint) informing residents how and what to recycle in their buildings.

G. New York City Housing Authority (NYCHA)

NYCHA, home to roughly 600,000 NYers[12] (1/16 of our population), has a recycling rate of just 1.5%, up from 0% in 2015.[13] Inadequate waste programs at NYCHA are an Environmental Justice issue and must be addressed immediately. They also have the potential to increase NYC waste strategies by up to 10%.

Inadequate waste programs greatly contribute to dangerous and unhealthy pest proliferation. In 2020, NYCHA drafted a Pest & Waste Action Plan[14] and created a new Waste Management Department. We applaud these efforts but stress that education and successful collection are key. NYCHA must recognize and work with current and future environmental leaders living on their campuses to support on-site waste solutions. The basics include:

- making NYCHA recycling bins accessible and convenient;
- ensuring recyclables are sent contaminant-free to recycling facilities;
- facilitating conversations and partnerships with residents and enlisting a cadre of youth environmentalists from within NYCHA housing;
- providing residents with training for green jobs;
- and elevating existing on-site solutions that work and aggressively instituting pilot programs designed specifically for NYCHA.

H. Reuse/Repair

Since 1988, waste prevention and reuse have been at the top of the EPA's Solid Waste hierarchy and are the most preferable strategies for Zero Waste.[15] They reduce environmental and climate impacts the most and create the most local jobs. But they have never been supported by NYC. Many solutions already exist in other cities, which NYC could replicate:

- study durables, non-durables, and packaging in the discard stream so we know how much usable material is discarded in NYC; (We currently have no idea.)
- broadly roll out successful prevention and reuse strategies, including collection at curbside, swap meets and swap apps, warehouses for reusable materials, and the Donate NYC website. DSNY should track usage data and make it public.
- Invest in municipal infrastructure for collection, repair, and salvage of reusable consumer products--Product Evaluation and Repair Facilities (PERFs) to join Materials Recovery Facilities (MRFs).
- Legislate to ban non-recyclable packaging and products designed to be unrecyclable or unrepairable; provide incentives for manufacturers to redesign products to be

durable and packaging to be minimized and recyclable; Extended Producer Responsibility (EPR) laws, which hold industry responsible for the full life cycle of products and require manufacturers to pay for recycling, can increase recycling options and, better yet, catalyze redesign of wasteful products and packaging;
- hold industry responsible for the full life cycle of products sold and used in NYC;
- adopt new programs that help NYC businesses use locally recovered resources;
- create financial incentives for residents to participate in reduce, reuse, recycling, and organics programs;
- reinvent enforcement programs to disincentivize disposal of reusables, recyclables, and organics;
- reduce the production and consumption of single use consumer products through studies, laws, and incentives; import successful models to New York;
- and design a Zero Waste Environment through education and incentives for architects, developers, building managers, and city planners using the Zero Waste Design Guidelines. Institute policies and laws for waste storage and collection in buildings and in the public realm that increase diversion rates among commercial and residential tenants should be implemented.[16]

Thank you for your time. We look forward to working with you to achieve these goals.

***

FOOTNOTES and ADDENDUM:

1. Department of Sanitation of New York, *2017 NYC Waste Characterization Study*, page 11.

Organics collection history: 2005. 2015. 2018. 2020. These years represent benchmarks; pivotal points in time originally set to to measure bygone goals to reach Zero Waste in NYC by 2030 goals. In 2015, NYC pledged that by 2030 it would reduce by 90% the 2005 baseline waste landfilled or incinerated. One of the eight key initiatives in 2017 for 0X30 to ensure NYC would be Zero Waste by 2030, was to "expand the organics program." By 2018 the NYC Organics Program was to have been citywide, but that fell short. In 2019, food and yard waste made up ~ 1/3 of NYC's residential waste stream, but was landfilled, making it the prime contributor to ~1 million tons of greenhouse gas emitted. Then, on May 4, 2020, the entire program was put on hold due to COVID-19 budget cuts.

2. ibid

3. Independent Budget Office, *How Much Potential Revenue Are New Yorkers Wasting by Trashing Organics?* (February, 2019)

4. Jonathan Seltzer, *Report to the Committee on Finance and the Committee on Sanitation and Solid Waste Management on the Fiscal 2021 Executive Budget for the Department of Sanitation* (New York City Council, May 14, 2020). Page 2

Addendum: ibid

The expenditure for export contracts to disposal facilities has gone up, alarmingly, 35%, with most of the increase occurring since 2015. The cost for exporting just the organics to landfill and incinerators was $169 million, which could have instead generated between $10-22 million for the City from it as compost and renewable natural gas (according to the Independent Budget Office's study). The cost for exporting the paper, metal, glass, and plastic was $78 million. Because there are no data for reuse and

prevention capacity, it is unknown how much of the rest of the exported products and packaging could have been avoided.

5. Jonathan Seltzer, *Report of the Finance Division on the Fiscal 2022 Preliminary Plan and the Fiscal 2021 Preliminary Mayor's Management Report for the Department of Sanitation*, (New York City Council, March 4, 2021). & *DSNY Budget Analysis*, (Manhattan Solid Waste Advisory Board, March 28, 2021).

Addendum:

The $169 million number associated with organics burned in incinerators or buried in landfills is ESTIMATED as follows:

In Fiscal Year 2019 (July 1st 2018 - June 30 2019) New York City Spent a total of $412,462,000 to export waste not recycled to landfill and incineration.

Organics as a percentage of all residential waste, according to the 2017 Waste Characterization Study is 34%. All residential waste is defined as all Curbside Aggregate Discards (meaning everything we put on the curb for DSNY to pick up). Of our Curbside Aggregate Discards, 18% is recyclables that are recycled and the remaining 82% is where all the organics is, which is exported to landfill and incineration.

The math is as follows: If you have 100 tons of Curbside Aggregate Discards then 34 tons (or 34 %) is organics, if you remove 18 tons (18%) to recycling (bottles, cans, paper and plastic) then that leaves you with 82 tons (or 82 %) of everything else. In that 82 tons of everything else is 34 tons of organics, because that 34 tons of organics is not separated. Therefore, 34/82 = .41 or 41%!

To ESTIMATE the $169 million figure you multiply $412,462,000 x .41 = $169,109,420 or rounded comes to $169,000,000.

6. IBO, *How Much*

7. Arlene Karidis, *New York City Aims for Zero Waste by 2030* (Waste360: April 6, 2021)

8. Seltzer, *Report to the Committee*

(NB: Please add cells F30 + F46 = $412,462,000)

9. *New York City Has Not Made a Long Term Commitment to Zero Waste*, (Manhattan Solid Waste Advisory Board).

10. NYLCV, *Municipal Solid Waste in New York City: An Economic and Environmental Analysis of Disposal Options* (August 2017).

11. Seltzer, *Report to the Committee*

12. Jessica Dailey, *10 Surprising Facts About NYCHA, New York's 'Shadow City'* (Curbed New York: Sep 10, 2012).

13. New York City Housing Authority. *NYCHA 2.0: Waste Management* (April, 22 2019).

14. Schwartz, Bart M. *NYCHA Pest and Waste Action Plan* (NYCHA Federal Monitor, January 26, 2021).

15. EPA, *Sustainable Materials Management: Non-Hazardous Materials and Waste Management Hierarchy*

16. Zero Waste Design Guidelines

Tons collected Dataset 2011-2019:

DSNY Monthly Tonnage Data Open Data Dictionary (DSNY, April 8, 2021).

###

Members of the Manhattan Solid Waste Advisory Board: Matt Civello, chair; Lorial Crowder, vice chair; Rona Banai, vice chair; John Reali, co-secretary; Kim Davis, co-secretary; Diane Orr, treasurer. Members: Margot Becker, Joyce Bialik, Diana Blackwell, Maggie Clarke, Debby Lee Cohen, Peter Cohen, Ellen Cooper, DeNeile Cooper, Ann Marie Cunningham, Meredith Danberg-Ficarelli, Lisa Denby, Wendy Frank, Katie Hanner, Cullen Howe, Sophia Huda, Melissa Iachan, Christine Johnson, Sarah Lehrich, Kate Mikuliak, Kathy Nizzari, Alexis Obernauer, Ushma Pandya, Kristi Parson, Tinia Pina, Martin Robertson, Rick Schulman, Brendan Sexton, Marc Shifflett, Amy Uong, Aditi Varshneya, Chana Widawski

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
April 20th, 2021

Re: 4.21.21 Zero Waste Hearing

Subject of Testimony: The city needs to implement strategies from the Zero Waste Design Guidelines in order to achieve Zero Waste by 2030 Goal

I am Clare Miflin, Founder Center for Zero Waste Design and part of the Save our Compost advocacy group.

Achieving Zero Waste in a high-density city requires a comprehensive plan, with space designed into the urban realm, including parks, to collect, process and circulate materials for beneficial reuse. Policies, infrastructure and education are all essential, but without designing for effective logistics, they will not be successful or equitable.

For example, say organics collection becomes mandatory citywide. A 250-unit multifamily building would need at least 50 of the organic brown bins. In a typical building setup, a resident puts trash into a chute which feeds into a compactor and bags, reducing space and labor required. You can't put a small bin at the bottom of a chute. The brown bins work for small quantities, or for a luxury building with sufficient space in ventilated waste rooms, and staff to set out 50 bins on the sidewalk, bring them back in, wash and return them to the waste rooms. But most buildings don't have enough space or labor for that.[i]

The city needs to pilot alternative systems. Equipment in large buildings could convert food waste to organic fertilizer, reducing volume and weight by up to 90%. Other pilots could serve neighborhoods like Chinatown, full of walk-up apartments and ground floor retail, where there is little or no space for waste. Containers in the street or open spaces should be piloted so organic waste can be easily dropped off. These could be serviced by local micro-haulers and composted in parks and greenspaces citywide to regenerate soils and increase the city's resilience. It would also improve sidewalks, reduce rats, create green jobs and support urban agriculture.

We are grateful for the council's support for Save our Compost budget request which includes these pilots throughout the city, alongside other critical initiatives. We strongly support the zero waste bills discussed today – Int 0844-2018 and Int 2250-2021 – and to keep the target date of 2030.

The Zero Waste Design Guidelines were developed through a collaborative effort I led with the Center for Architecture, with participation from DSNY, DOT, DCP, DOE and NYCHA. They illustrate many design strategies to reduce waste – from those for construction and demolition waste, to providing dishwashers and food donation refrigerators in food service spaces, to bottle fillers in public spaces, to collection strategies which would clear our sidewalks from trash bags and rats.

The Center for Zero Waste Design stands ready to help the city in convening a task force of multiple city agencies, building managers and designers to pilot and implement these strategies city wide, as part of a

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
April 20th, 2021

larger Zero Waste Plan to ensure every resident, student, business, porter, and reuse worker can successfully help the city reach zero waste goals by 2030.

More Details are within the Zero Waste Design Guidelines such as

- Space for dishwashers and food donation refrigerators – Many restaurants, food halls, cafeterias and office pantries use disposable plates because they were not designed with dishwashers for reusable plates. Other cities have requirements for provision of dishwashers in food halls and cafeterias, as well as food waste processing equipment and refrigerators for storing food donations.
- Space for salvaged building materials. The cost of storage spaces within or close to the city is too much, so materials get sent to landfill. The city needs to incentivize space for salvaged materials, and policies requiring deconstruction and salvage assessments.
- Food waste – over 98% of NYC's food waste is trucked to landfills or incinerators outside the city. Yet, the food waste that is collected by community composters is combined with landscape waste – leaves and tree trimmings, to create compost to regenerate NYC soils. If NYC made compost locally and used it to regenerate 20% of the cities landscaped areas – parks, street tree pits, NYCHA lawns, private green spaces our initial schematic calculations show that it could use 40% of NYC's residential food waste. These soils would add to the resilience of the city, as compost rich soil can easily hold the water from 90% of heavy rain-storms.
- Changes to collection options by DSNY to allow collection of 64 gallon to 2 CY containers by semi-automated trucks. Currently DSNY will only collect bags or small hand-held bins (under 50 lbs, like the organics bins) else large 35 CY roll of containers for compacted trash, or uncompacted metal, glass and plastic. These containers are really expensive for developers to include in projects, and legally can only serve one zoning lot. See attached testimony on DSNY's proposed rule requiring these.

[i] For more background see my Op-Ed in City Limits: https://citylimits.org/2020/07/27/opinion-to-avoid-rats-odors-and-inequity-nyc-must-redesign-its-organic-waste-system/

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
May 28,2020

Comments on DSNY Proposed Rules:

1. Waste Management Plan Rule:

https://dsny.cityofnewyork.us/wp-content/uploads/2020/04/AMENDED-WITH-DATES-CERTIFICATIONS-2020-RG-010-Waste-Management-Plans-for-Certain-Buildings-Preliminary-Rule.pdf

Summary of rule:

Requires new residential buildings with 150 or more units to submit a waste management plan that outlines:

- Storage plans for trash, recyclables and organics that ensure 150 percent of generated waste can be stored inside the building between regularly scheduled collections,
- Estimates of waste generation - trash, recyclable materials and organic waste if building fully occupied
- Confirmation of compliance with BC sections 1213.1,2 and 3
- Plans for proper recycling and organic waste separation and proper setout, and that doesn't impede flow of pedestrian traffic
- Details regarding containerization if relevant or required
- Plans need to be submitted no later than when design drawings submitted to DOB, or effective date of rule whichever later.

Such waste management plan must be submitted to DSNY in a form prescribed and made available on its website.

Comments:

This was one of the recommendations of the Zero Waste Design Guidelines (ZWDG) and we are in strong support of this requirement, and are pleased that it includes a requirement for storage of organic waste.

We have the following comments and questions on the specifics of the rule:

- The prescribed form for the waste management plan should have instructions with detailed information about how to calculate volumes and areas required for all streams, including waste stream densities, capture rates, and compaction rates. These assumptions are all stated the online waste calculator from the ZWDG, and maybe this could be used for planning purposes.
- Criteria for assessing whether setout is a sidewalk obstruction must be defined. For example, how much width for clear pedestrian flow needs to be provided, must waste be a certain distance from a hydrant, can it be set out in a tree pit, how tall can the stack of bags be?
- If a building cannot comply as the sidewalk is not large enough, and they've used all the compaction equipment they can, what do they do? Do they need to use a private carter?
- We think it would make more sense for the approval process to happen as a requirement for pulling a permit, much like the process for street trees.
- We would recommend a requirement for sign-off to ensure that the building was built and equipment was furnished per the plan. This could be a special inspection or a DSNY review.

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
May 28,2020

2. Waste Containerization System Rule:

https://dsny.cityofnewyork.us/wp-content/uploads/2020/04/AMENDED-NOTICE-DATES-CERTIFICATIONS-2019-RG-091-Requirements-for-Waste-Containerization-Systems-in-Certain-Buildings-Preliminary-Rule-DSNY.pdf

Summary of rule:

Requires owners of new or converted residential buildings with 300 or more units to install a waste containerization system for trash (unless DSNY determines that collection service through this system is not feasible).

- DSNY may waive mandatory requirements for installation if determines not feasible as track can't drive safely in / DSNY doesn't have necessary vehicles / if area isn't kept clean and safe/ if doesn't meet specs of 9-12
- Applies to any building for which plans have been submitted to DOB (but not yet approved).
- Definition of waste containerization system from 9-11: systems for the disposal of waste that utilize large containers which are mechanically lifted and emptied into, loaded onto or attached to collection vehicles.
- Section 9-12 (existing rules:)
    - Any waste containerization system must be sufficient for 150% of waste or if not enough for 72 hours need additional receptacles to store.
    - Capacity to clean - hose & brush / steam cleaner and sewer drain.
    - Hold 700 lbs of waste /CY of capacity. No leaking of liquids, skids / rollers so keeps off ground
    - Tight fitting doors /lids to prevent rodents, insects and pests from entering.
    - Safe convenient access for loading and emptying- location to be approved by DSNY, HPD and DofH
    - DSNY to have a list of compliant containers.

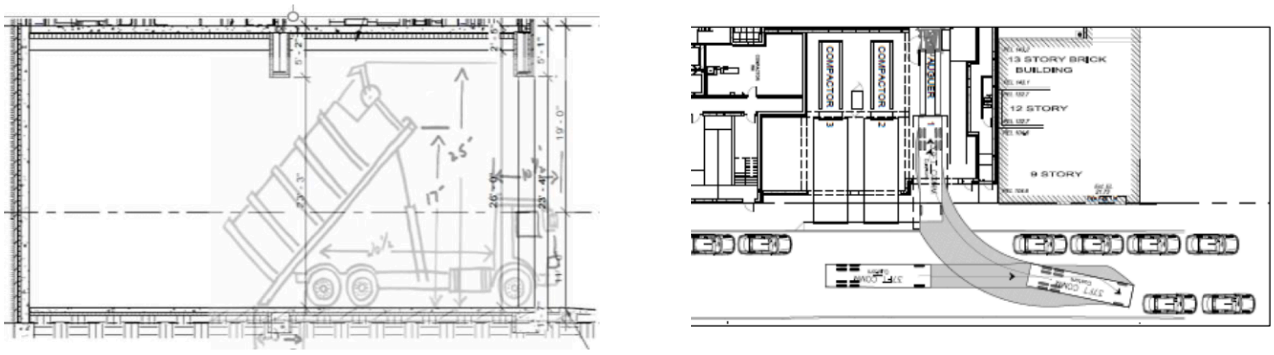
Comments:

While we support waste containerization, we have several concerns that arise when this rule is combined with DSNY's current policy of collecting 30 CY containers of compacted trash, but no longer collecting the smaller 1-8 CY containers.

The rule applies to all buildings that have not yet been approved by DOB on effective date, but it should be recognized that adding a 30CY waste container to a building that has already been designed would require substantial redesign work and have significant financial impact. Any rule should only apply to building plans that have not yet been submitted to DOB, preferably with a 12 month announcement period for buildings in planning but not yet submitted to DOB.

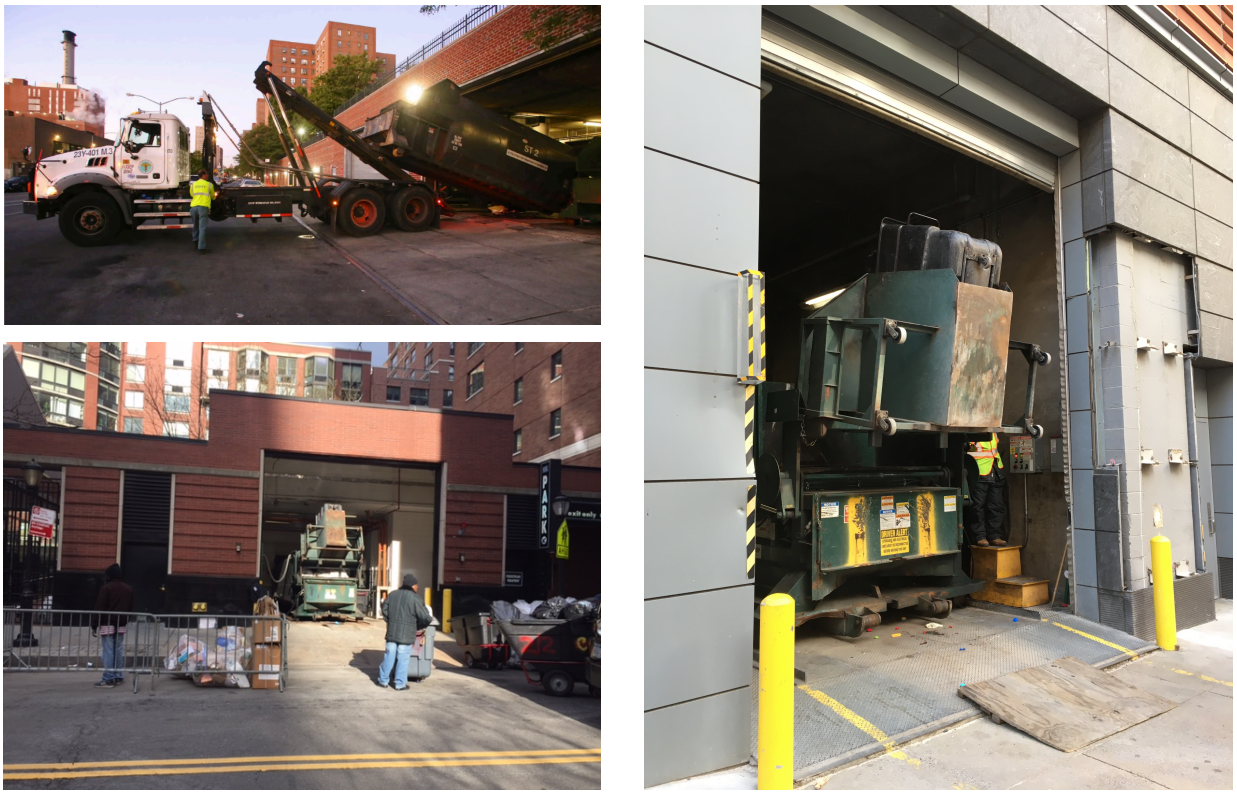
DSNY's rules for containerized collection need to be made clearer. The current requirements, see excerpt below, are not clear in their requirements, but seem to require 25' clear headroom within the building for a compactor within a building on the street line, requiring significant extra floor area.

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
May 28,2020



Excerpts from DSNY Roll On Roll Off Container Specifications

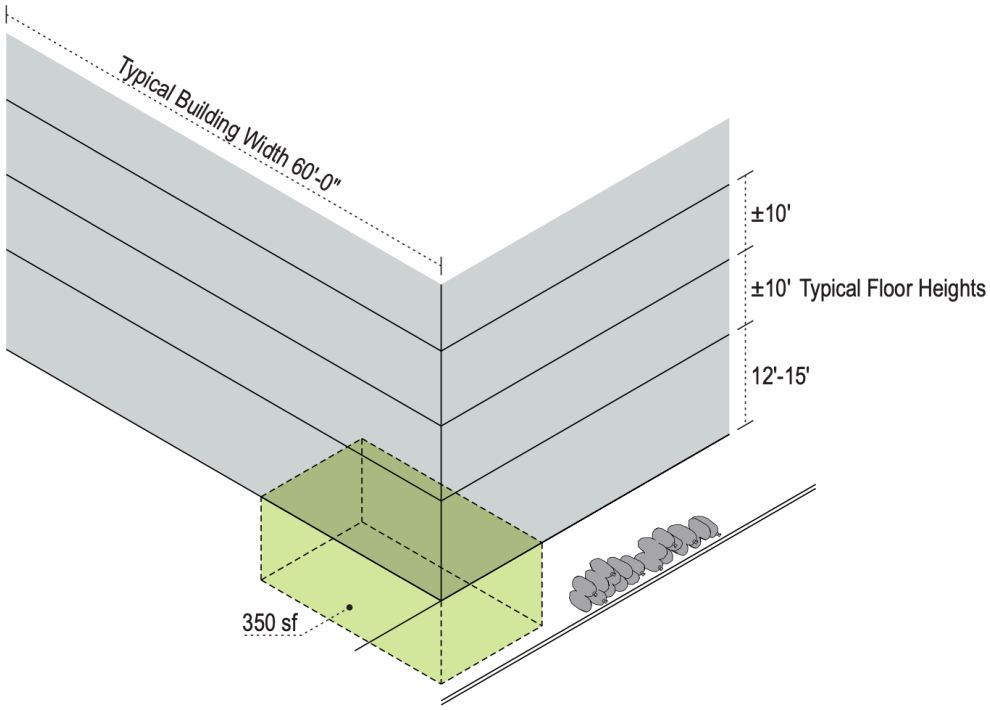
We believe that in many cases the collection vehicle does not need to enter the building, as is the case in Battery Park City and Stuyvesant Town installations shown on photos below. This will result in a lower clear headroom requirement. BPC provides 18'-10" clear in the new maintenance building.



Top Left: Stuy Town, Bottom Left: Battery Park City, Right: Battery Park City Maintenance Facility

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
May 28,2020

A typical residential building stores waste in the cellar, and brings bags out to the street, using no zoning floor area for waste storage. If 1-2 CY containers were collected by DSNY they could be stored in the cellar too. While there would be street design and collection vehicle issues for 2-4 CY containers, there are also street design issues with large roll doors and curb cuts for RoRos, and they should be as infrequent as possible.



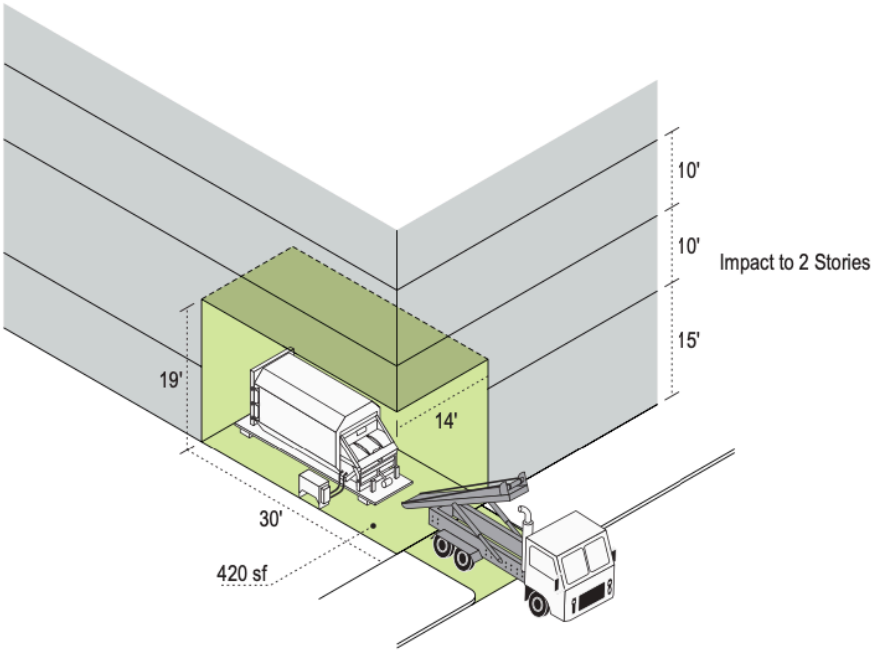
Typical Residential Building

The Battery Park City type scenario with around 19’ clear headroom would require approximately 420 SF, and likely impact 2 stories, so would require 840 SF of zoning floor area.

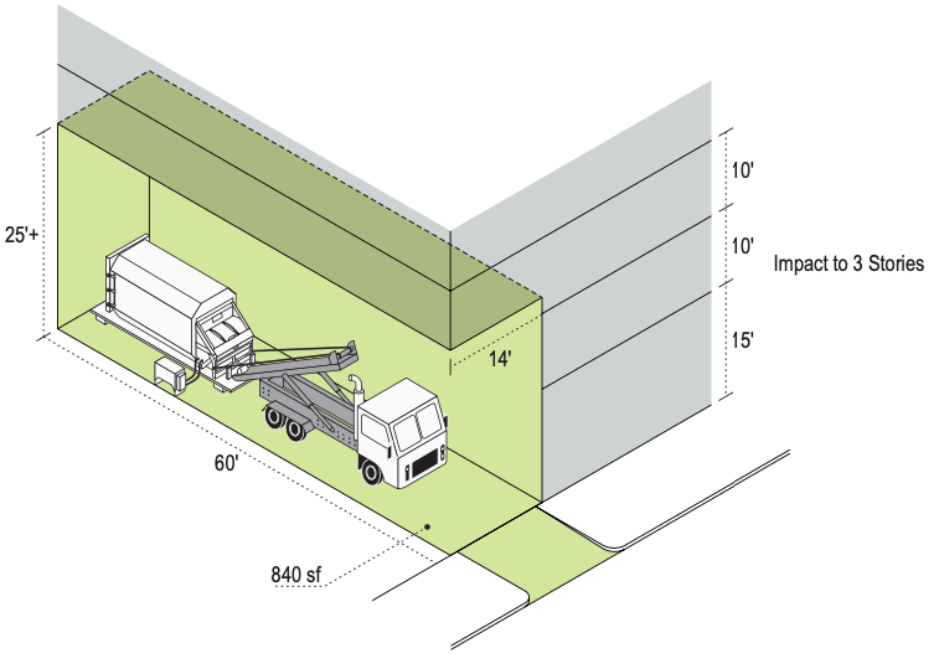
A 25’ headroom and space for the truck to enter the building doubles the floor area and increases the number of typical stories impacted to 3, effectively tripling the zoning floor area required to 2520 SF.

See diagrams on the following page:

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
May 28,2020



Battery Park City Scenario



Current Requirements

Center for Zero Waste Design

Contact: Clare Miflin
clare@centerforzerowastedesign.org
718.306.9525
May 28,2020

We have the following comments:

- Criteria should be given for when the collection vehicle needs to enter the building or if it is safe for it to remain on the sidewalk to load the container. If it is safe it requires much less floor area and cost.
- Smaller containers (2-4 CY) would give much more flexibility of building design, if they were collected by DSNY.
- We also think containerization should be required for organic waste as well as trash, since it makes up more of the waste stream.
- We would suggest that DSNY collaborate with DCP to see if zoning could be changed to allow a roll off container to be shared between buildings, as it is in Battery Park City, but is not always allowed by zoning. We think 300 units is too low a threshold. See waste calculations below.

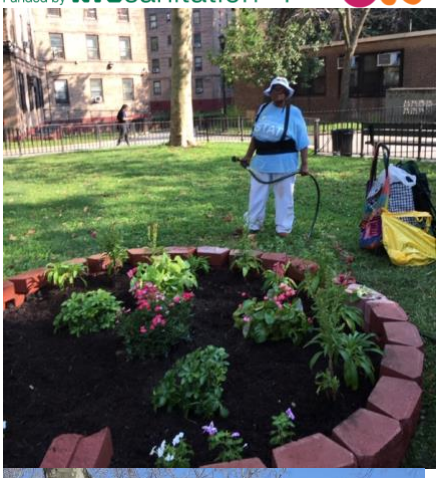
Waste calculations for 300 unit building using online waste calculator:

1. Current: Average Capture Rates
2. Improved: 90% generation, 80% Capture Rates, Cardboard Baler. Also shown with no roll off and larger containers for all streams.
3. Zero Waste: 75% generation, 95% Capture Rates, Cardboard Baler. Also shown with no roll off and larger containers for all streams.

Scenario	Area - footprint of containers^	Trash	Organics / 3 days	MGP / week	Paper & Cardboard / week
Current	792 SF	Roll off - 8 days	14 x 32 gallons	73 bags	44 bags
Improved	1019 SF	Roll off - 12 days	45 x 32 gallons	97 bags	48 bags
Improved - no roll off	531 SF	5 x 2CY / 3 days	23 x 64 gallon	14 x 2CY	3 x 2CY, 5 bales
Zero Waste	610 SF	Roll off - 18 days	22 x 64 gallon	13 x 2CY	3 x 2CY, 4 bales
Zero Waste no roll off	472 SF	3 x 2CY / 3 days	22 x 64 gallon	13 x 2CY	3 x 2CY, 4 bales

As shown in the table, as the city moves towards a zero waste future it makes less sense to have a 30 CY roll off compactor for trash for a 300 unit building, as it would only need to be emptied every 18 days, which is not best practice.
In the Zero Waste scenario a roll off container could be replaced by 3 x 2 CY containers which would take much less space. In all scenarios the roll off container requires more space for footprint of the containers or storage bags, not including the additional headroom or access space.

We believe that any requirement for containerization should be planned with consideration of the city's zero waste goals, and not require such a large amount of space and equipment be given for the trash waste stream, which the city is aiming to reduce to under 10% of current volume. Buildings are designed for a long time scale, and the 25' headroom space for a RoRo is not easily adaptable for other uses and small containers.



Photos (clockwise from logos): Riis/Queensbridge Senior Gardeners--MAP N'hood Stat Program (Q-shaped bed, Aug. 2019); Gardeners at McIntosh Community Garden, E. Elmhurst; and Ashley Cruce, Master Composter.

April 21st 2021 Hearing Testimony by Ashley Cruce:

Dear Councilmembers of the Committee on Sanitation and Solid Waste Mgt.,

I am writing again today to support NYC Zero Waste X 2030 Goals as outlined in Intro 2250 & 844. I am an Environmental Educator at Queens Botanical Garden in Flushing, and a proud NYC Compost Project Master Composter (trained in 2012 at QBG). I am a passionate booster for composting as a long-time gardener and environmentalist. If NYC was truly dedicated to the Climate Crisis as other major global cities have been, we would not have thrown out these goals when faced by budgetary challenges in FY21 and FY22. NYC Waste is 41% compostable and can reduce trash going to landfills and

being transported through marginalized communities in NYC and in the region (i.e. Ironbound Neighborhood in Jersey City, NJ). It is disproportionately impacting marginalized communities, with major trash transfer stations in the Bronx, SE Queens and East Brooklyn. I recently went to see the SE Queens stations on Douglas Ave. and couldn't believe my eyes. It is so close to residents' homes and parks, producing high levels of emissions and stench. It has been so bad in the warmer months that residents cannot keep their windows open and report stench and bad air quality outside their homes. SE Queens environmental justice group gave a presentation to the QueensSWAB recently about the horrible conditions, and about their grant to study air quality with Mt. Sinai Public Health as a Citizen Science Project.

In my professional and voluntary work, I have promoted composting, recycling and waste reduction for many years in NYC. I have directly benefited from 3 of the major Community Composting organizations under **DSNY's NYC Compost Project: 1) hosted by Queens Botanical Garden (QBG), 2) BigReuse**, and 3) **GrowNYC** for the past 10+ years.

Currently, I am an active Master Composter volunteer with 3 different community compost sites in Queens (two in Jackson Heights & one in E. Elmhurst). The closures of all community compost sites from March to June 2020, due to the pandemic, truly demonstrated how important and committed to composting folks are. I participated in the SaveOurCompost advocacy efforts in May 2020 to reinstate funds for the NYC Compost Project, which was thankfully successful, and supported by CM Reynoso and your committee's efforts! But more work is needed to keep NYC on track to tackle the climate emergency.

A robust commitment by the administration and DSNY to Zero Waste X 2030 is long overdue given the dire consequences of climate change that we are already experiencing and will continue to face. As a NYC citizen, I want to live in a more progressive city that is committed to environmental justice and fighting climate change!

Sincerely,
Ashley Cruce, MA, LMSW

QBG Environmental Educator--Flushing, Queens
NYC Compost Project hosted by QBG: Master Composter (2012)--Flushing
JHScraps Community Composting Site--Jackson Hts.[affiliated w/Jackson Hts. Beautification Group (JHBG)]
Riis/Queensbridge Community/Senior Garden (MAP N'hood Stat Program)--Long Island City
McIntosh Community Garden & Compost site----E. Elmhurst
[Green Thumb garden, owned by Brooklyn Queens Land Trust (BQLT)—Current Board Member]
Dunolly Gardens' Co-op Composting site--Jackson Hts.
PS69Q & PS92Q Green Team School Garden & Compost Volunteer- Jackson Hts. & Corona

Zero Waste Hearing
4.21.21

Good Afternoon. Thank you for the opportunity to testify. My name is Phoebe Flaherty, I'm an Organizer at ALIGN: The Alliance for a Greater New York. ALIGN is a community-labor coalition dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers.

We coordinate the Transform Dont Trash coalition, a coalition of environmental justice groups, labor, climate and street safety organizations working towards reforming the way commercial waste is collected in New York City. We worked with the City Council to pass Commercial Waste Zones, Local Law 199.

Moving towards our city's Zero Waste goals is critical to not only reducing New York's carbon emissions, but also to creating a path towards a just transition and creating good green jobs throughout New York City.

The implementation of Commercial Waste Zones is an example of this. The program will reduce New York's GHG emissions through reducing truck miles and increasing recycling and organics collection, and will create good green jobs by increasing worker standards and safety.

Zero Waste policy like expanding community compost drop-off sites, piloting new technology and increasing public outreach strategies for organic waste collection in large buildings, can have a similar impact of reducing our cities overall emissions while also spurring the creation of good green jobs.

Throughout the process of moving us towards these goals, we must prioritize labor standards and investment in underemployed NYC communities. At a time when New York's BIPOC communities have been devastated by COVID and the ensuing unemployment, creating good, green union jobs must be a priority of the city.

We have an opportunity now address climate change and put New Yorkers back to work. Let's move towards a just transition and an equitable green recovery for New York City.

Thank you for your time and the opportunity to testify today.

Brooklyn, Queens and Bronx Solid Waste Advisory Boards

Testimony to Sanitation & Solid Waste Committee of NYC City Council at the Zero Waste Oversight Hearing on 21st April

April 2021

Good afternoon Chairman Reynoso and members of the Sanitation Committee. I am pleased to provide this testimony on behalf of the Brooklyn, Queens and Bronx Solid Waste Advisory Boards regarding the prospects for and status of zero waste management.

A review of the City's progress towards zero waste is welcome. More than thirty years after the passage of the City's Landmark Mandatory Recycling Law and several solid waste management plans, our residential recycling rate continues to stagnate at less than 20%, while the landscape for reduction programs and management of organic waste remains challenging. In light of the continuing budgetary pressures caused by the Covid-19 pandemic, now is an ideal time to make a comprehensive case for zero waste, including its financial, environmental and social benefits.

When the 0x30 goal was included as part of the OneNYC initiative in 2015, the Zero Waste concept included numerous policy and program aims, but did not include a clear roadmap quantifying - and setting a deadline for - objectives for diversion of waste from landfill via reduction, reuse, and recycling. Likewise, DSNY's subsequent Strategic Plan in 2016 included largely qualitative goals under the Zero Waste heading, such as increasing recycling rates and facilitating partnerships to widen participation in recycling schemes, but nothing with definitive, quantitative goals and timetables for their pursuit.

The City's current Solid Waste Management Plan is due to expire in 2026. The existing SWMP set goals principally related to the management and export of waste, such as the re-building of Marine Transfer Stations and reduction in land-based waste processing facilities. The next

SWMP - which will last through to 2036, and drafting of which typically begins several years in advance - now must focus on reduction of waste to landfill and incineration, including prevention, reuse and recycling; all of which are important elements of a constructive and actionable zero waste policy and program.

As three of New York City's Solid Waste Advisory Boards, we urge the DSNY to extend and expand the planning process outlined in Intro. 2250, both in timeline and in scope. We urge the department to go beyond an extended menu of initiatives and take an approach that is holistic, evidence-based, and outcomes-driven; and to create a *Plan Towards Zero Waste* that outlines a policy package where every initiative has a deadline and a quantifiable goal. This plan would bring together:

- existing data on quantities and characterization studies;
- analyses of current and potential expenditure on waste management across all waste streams;
- opportunities for collaboration across departments;
- A focus on addressing equity and environmental justice issues;
- innovations in technology and business models in the private sector;
- legislative approaches such as Extended Producer Responsibility; and
- existing and potential impact of community and non-profit initiatives.

This plan should be thoroughly budgeted, both to make the case that moving toward zero waste is financially beneficial for the City, and to enable long-range planning of contracts and infrastructure that will help progress towards this goal.

Two key elements are essential during this process. The first is to ensure integration of various planning processes already under way, including the emerging work of the State's Climate Action Council and its priority focus on reducing greenhouse gas emissions; the presumed implementation of the Commercial Waste Zones system; the opportunity to consider Rikers Island as an essential infrastructure component; and other related initiatives. Many of these go well beyond the traditional purview of the Department of Sanitation; for example, both the Parks Department and the Department of Environmental Protection can play pivotal roles in the local management of the city's organic resources.

The second element is a structured planning process that not only is expertly advised but includes a commitment to broad, deep and ongoing stakeholder engagement. Zero waste planning models exist in many other cities, such as Boston, Austin, Vancouver and Toronto; many of them included multi-year stakeholder processes that yielded both broad understanding and consensus. New York City's SWMP efforts have not always benefited from such a commitment. DSNY's capacity for undertaking this comprehensive planning process should be bolstered and not presumed.

In addition to the ongoing work of the borough-based Solid Waste Advisory Boards, now would be an opportune time to reconstruct the Citywide Recycling Advisory Board, mandated under Local Law 19 (of 1989) as a means of ensuring ongoing public engagement.

In summary, we believe the process of planning for Zero Waste should be a higher priority than constructing a list of actions to be taken, without the essential support and commitments to execute them. The BkSWAB, QSWAB and BxSWAB look forward to continuing to work with the City to support the sustainable and equitable management of waste.

Thank you for your consideration.

The Brooklyn, Queens and Bronx Solid Waste Advisory Boards

Brooklyn Solid Waste Advisory Board:
Chair: Shari Rueckl; Vice Chair: Celeste McMickle; Secretary: Elizabeth Royzman; Sergeant at Arms: Oliver Wright;
Members: Akhmose Ari-Hotep, Anne Bassen, Sarah Bloomquist,
Kendall Christiansen, Suzan Frazier, Louisa Freeman, Pablo Garcia, Kevin Jaksik, Rhonda Keyser, Rose Lenoff, Dylan Oakley, Vandra Thorburn, Greg Todd, Phil Vos

Queens Solid Waste Advisory Board Organizing Committee:
Chair: Wylie Goodman; Vice Chair: Amy Marpman
Members: Rachel Boeglin, Anita Chan, Cait Enz, Susan Latham, Gil Lopez, Adam Mitchell, Kate Peterson, Andrea Scarborough

Bronx Solid Waste Advisory Board:
Chair: Dior St. Hillaire; Vice Chair: Corinne Coe; Assistant Secretary: Brigitte Vicenty

A Project of Fund for the City of New York

Creatively working with youth to achieve zero-waste, climate smart school communities and a plastic free biosphere,

Cafeteria Culture (CafCu) Testimony - achieving Zero Waste NYC school cafeterias by 2030

New York City Council (NYCC) Committee on Sanitation and Solid Waste
Zero Waste Oversight Hearing, April 21, 2021

Good afternoon, Chair Reynoso and Council Members on the Committee of Sanitation.

I am Debby Lee Cohen, Executive Director and Founder of Cafeteria Culture, Co-Director/Producer of the movie, MICROPLASTIC MADNESS, parent, and educator. I have been teaching and leading zero waste pilot programs and in NYC school cafeterias and classrooms since 2010. I am deeply concerned about environmental and health impacts of our city's solid waste disposal that disproportionately hurt Black, Brown and marginalized communities, as well as NYC schools' contribution to the global plastic pollution and climate crises.

I am testifying to ask the Council the support bills on the agenda and to make suggestions regarding goals related NYC Department of Education (DOE) school cafeterias and food service, critical for the city to reach zero waste by 2030.

CafCu applauds NYC DOE Offices of Nutrition and Food Services (OFNS) and Sustainability for being excellent partners on working towards zero waste schools and for the heroic OFNS efforts to feed all New Yorkers throughout the pandemic.

With an over-reliance on single-use items and plastic packaging; a school waste stream comprised of 50% organics (DSNY, 2017); a citywide school organics collection program still waiting to happen; a recycling rate of 18%; and lack of sufficient funds for innovative, zero waste/climate education for *all* of our 1.1 million students, **we will need creative ideas, bold action, and increased funding for small-scale pilots that can be easily expanded in order to achieve zero waste by 2030.** Our team knows first hand the tremendous opportunities for accelerating change by conducting small pilots in partnership with students, OFNS staff, custodial staff and teachers.

Cafeteria Culture (CafCu, founded as Styrofoam Out of Schools) works with youth to creatively achieve zero waste/ climate smart schools communities and a plastic free biosphere. We teach innovative environmental education that fosters youth-led solutions by merging citizen science, civic action, media and the arts. By partnering with School Food Directors and students, we catalyzed the elimination of styrofoam trays from New York City schools and other cities.

We are now focused on eliminating the remaining single-use plastics from NYC school cafeterias, reviving refill and reuse models and piloting new methods for dramatically reducing wasted food so that school organics can be managed locally.

We ask the council to support the following bills:

- **Int 844 -** to establish 0x30 goal
- **Int 2250** - require DSNY 0x30 plan
- **Int 2103** - food donation web portal
- **Int 0936** - prohibit single-use plastic straws + stirrers
- **Int 1775** Skip the Stuff - utensils by request only

Based on a decade of leading school cafeteria waste reduction pilots and waste audits, our key suggestions for achieving Zero Waste by 2030 (0x30) in all NYC DOE schools are as follows:

1) Reduce single-use items and single-use plastics in DOE School Food service.

- **Set target date for school food service to be free of non-recyclable, single-use plastic packaging,** including condiment packets, utensil wrapping, and plastic film wrap.
- **Support a citywide DOE Plastic Free Lunch Day in all 1800 schools** to take place in the spring or fall of 2022 (CafCu has been working on this in partnership with OFNS; originally scheduled for 2020; Cafcu's Plastic Free Lunch Day pilot;

- **Support expanding Plastic Free Lunch Day to one day per week**, marketing that menu-day as a Climate Action Day and providing funds for educational support materials for all 1.1 million students, thousands of DOE staff, and DOE families.
- **Support multiple REUSABLES pilots -**collect data + feedback and to envision what Zero Waste cafeterias can look like; pilot reusable dish-ware w/dishwasher and outside washing services, and BYO utensils (needs Dept of Health and NYPD approvals, which NYCC could assist with);
- **Revise DOE Contract Requirements to reward vendors who offer products with minimal or no packaging** waste, low GHG emissions in product life-cycle, and other positive sustainable practices.

2) Reduce Wasted School Food - composting for all + "plate waste" reduction pilots

0x30 goals should include an updated version of the School Organics Collection Program with a target date to include *all* 1,800 NYC DOE schools by Spirng 2023. An educational component and messaging that connects food waste and methane emissions to the climate crisis is key to the success.

Simultaneously, we urgently need to test new methods for reducing overall school food paste waste.

During the 2021-22 school year, CafCu plans to work with DOE OFNS to conduct small pilots that focus on reducing food plate waste. This will allow for local composting solutions and other systems that are not dependent on high volume of food scraps and long distance trucking. Pilots should include:

- **Offer vs. Serve -** improve understanding for both servers and students;
- **Advanced notice of menu each day** as part of morning announcements;
- **Shared Food Tables -** promotion and messaging, including safety;
- **Age/needs specific signage** for schools;
- **Size appropriate composting and recycling set-ups** for PreK and K students;
- **For PreK and K classes with in-classroom meals,** establish protocols for classroom staff to alert the kitchen staff each morning of the number of students in attendance.

3) Zero Waste/Climate Literacy for all P-12 students

Support interdisciplinary curriculum beyond a science-only model, highlighting zero waste education that includes Environmental Justice, student Climate leadership opportunities, and mastering the daily practice of sorting and waste reduction in the school cafeteria as part of the curriculum.

NYC Council has the opportunity to lend support to NY State Climate Education bill (NYS S7341 + A2325) and to suggest improved bill language that prioritizes zero waste education as a key component to climate literacy. **Specific suggestions for NYC schools & support include:**

- **Pre-K -** pilot PK zero waste, sorting education, and provide age appropriate materials;
- **K-5** - classroom and cafeteria support for Cafeteria student leadership (i.e. Cafeteria Rangers); and (virtual) training sessions for Sustainability Coordinators, students, and OFNS staff.
- **Middle School** - pilot a student **Sustainability Leadership Certification** that can be included in high school admissions applications.
- **High School** - support in-cafeteria **Climate Action Fridays** - zero waste challenges with incentives; **community service hours** and **climate leadership roles** that can be used for college admissions.
- **High School Zero Waste training and community composting management programs for students** (i.e. service corps) and paid internships for Zero Waste Cafeteria Leadership.

Debby Lee Cohen, Executive Director/Founder, **CafeteriaCulture.org** DL@cafeteriaculture.org 917-282-0253
% The Lower Eastside Girls Club NY, 402 East 8th Street, NY, NY 10009

4) Additional Suggestions

- **Water Refill Stations in all schools via federal stimulus dollars -** providing access to safe drinking water for all students and reusable water bottles; reduce plastic water cups in the cafeteria;
- Middle and High school **Student "Green Community Service hours"** offered to incentivize Zero Waste/ Climate leadership and participation;
- **Offer paid time for DOE custodians to attend SWAB meetings** for 2 employees per borough on a rotating basis.
- **Student Leadership in NYCHA -** pilot school-based programs specifically for students living in NYCHA and shelters that reward service points for youth leadership in one's own community, for services including outreach and data collection.
- **DOE Family & Community Programs to support zero waste with school buildings as hubs - pilot programs that can be scaled up, including:**
  - Compost drop-off for families
  - Textile recycling days
  - E-waste days
- **Offer incentives to DOE vendors who deliver in electric vehicles.**
- **Reward DOE vendors who reduce plastic packaging materials** and packaging overall.

Achieving zero waste in school cafeterias is critical for meeting our 0x30 goals! We are available to meet and discuss these suggestions in detail.

Thank you,

Debby Lee Cohen and the Cafeteria Culture team
Executive Director/ Founder, CafeteriaCulture.org
c: 917-282-0253, dl@cafeteriaculture.org

MicroplasticMadness.org
- a movie featuring PS 15 K students
- ***Youtube: CafCu Media*** ***twitter @cafeteriacu*** ***Instagram: @CafCu***

Watch MICROPLASTIC MADNESS for free on our YouTube channel, CafCu Media, thru Sunday, April 25. (Or contact us)

Learn how/why:

- Plastic pollution is more than an ocean pollution problem;
- Plastic production & disposal hurt BIPOC and marginalized communities;
- Plastic pollution exacerbates the climate crisis;
- **Zero waste, citizen science, & civic action should be part of climate education;**
- **Student climate leadership in schools and communities benefits us all;**
- **Opportunities for youth to be the *designers* of climate-smart solutions, accelerates urgently needed change;**
- **Media production and storytelling,** key to Cafeteria Culture's environmental education programs, **are allowing us to scale up our programs with Black and Brown youth voices at the helm!**

Zero Waste by 2030?

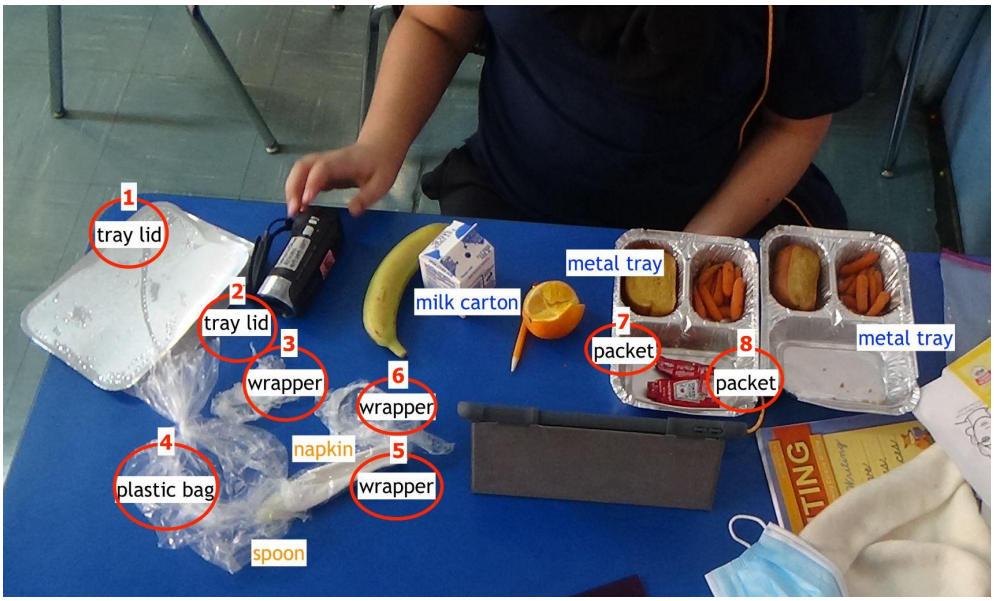
Observations, Data, and Suggestions for Reducing Single-Use Plastic in School Food Service from 5th graders from PS/MS 188 The Island School

Thank you Chairman Reynoso and members of the Sanitation Committee. I am Rhonda Keyser, Outreach Director and Educator with Cafeteria Culture and I'm testifying today about single-use plastic in school lunch on behalf of our 5th grade student partners from PS/MS 188 The Island School in Manhattan.

We and our students begin by expressing our deep gratitude to New York City Department of Education's Office of Food and Nutrition. The current 500,000 meals they provide each day across the City provide a nutritious and appetizing lifeline for many of our neighbors and students during the circumstances exacerbated by the pandemic.

Since the pandemic started, Cafeteria Culture has been faced with a challenge: without being physically present in schools, could we, with students as partners, still collect data and visually document school lunch to continue to inform policy as we have been doing for the past 12 years? Our students answered this challenge with skill and flair.

After learning about the impact of plastic pollution from extraction to manufacture to disposal, our 5th graders wanted to know what they could do to help. Equipped with pencils and paper, Cafeteria Culture camcorders, and their very resourceful brains, our students began to document their lunches. First quantifying the extent of their plastic problem by cataloging and counting the plastic items, then iterating and trouble-shooting single-use alternatives, our students supported their recommendations using their own data! Using our ***Desktop Lunch Survey***, students discovered for themselves that each lunch has an average of 7 plastic pieces that they use for 20 minutes while they eat and before throwing it away and sending it -- in their case -- to the incinerator across the river in Newark.



In our math lesson, they calculated that 7 plastic packaging pieces in each of the 500,000 lunches served every day means that our school lunches across the City produce 3,500,000 pieces of plastic trash every day.

By quantifying the plastic packaging

used in the context of their school lunch, our students now connect the plastic litter they see all around them all the time to the plastic packaging they use in their lives. From litter on Avenue D near their apartments to plastic that washes up on the shores of the East River Park near their school -- even right outside their windows, they are now connecting their own story of their lunch packaging to this litter and sharing their solutions with decision-makers.

Jaliyah noted about the amount of plastic packaging that "That's more people than there are in all of the schools! They're serving 3,500,000 pieces of plastic a day in schools in all NYC? Then how much plastic is going to be in the whole New York?"

Jay thought we must be "using more plastic than how much people are in the world!"

Once students realized that reducing even 1 item of plastic packaging in their lunch could make a daily City-wide reduction of 500,000 items, they understood the impact their suggestions could have. Here are some of our students' very practical and impactful solutions to reduce single-use plastic in their lunches:

Brahian introduced the idea to "re-use and wash plates and utensils instead of throwing it all out."

Jeremiah chimed in that we could "use one crate to bring the milk to the classrooms for lunch -- students can choose the milk cartons and not use a separate bag for each milk carton like they do now."

Jaliyah thought about the pencil pouches that they receive every year when school starts. "Why can't they give us a pouch with a spoon and fork and we have our own to use and wash every day after we eat?"

Our 5th graders couldn't be here today, but they asked me to share this data:
Please act now to make a plan to work toward zero waste by 2030.
Our students want you to know that
if we do nothing by 2030,
the 7 single-use plastic items in 500,000 lunches being used for 20 minutes
before going to a landfill or incinerator every day
will multiply from 3.5 million in one day to 630 million in one year
to 5.7 billion in the 9 years we have left before 2030.

Elijah worries, "If we don't do something now, probably soon the world is going to be filled with water instead of land." These bright, resourceful, and hopeful students are our future. They need you to act now. Please don't let them down.

Rhonda Keyser, Cafeteria Culture Outreach Director. Resident of Brooklyn, District 39.

Testimony of Mary Arnold on Behalf of Civics United for Railroad Environmental Solutions to the City Council Committee on Sanitation and Solid Waste Management

CURES commends this committee for taking up Int. 844, which sets the ambitious goal of diverting 100% of New York City waste by 2030. Int. 2103, which focuses on diverting organics from the waste handling system is an important step toward that goal. City-wide composting will also be an important part of achieving the goals laid out in Int. 844.

The connection was established in the Waste Equity Law LL 152, that the way to reduce community burdens is to reduce waste tonnage, which Int. 844 begins to address for the city as a whole. So it was disturbing to learn recently that a community in Queens that was supposed to see reductions in tonnage from LL 152 -- and was included in mapped environmental justice neighborhoods pursuant to Local Laws 60 and 64 -- is being targeting for tonnage increases, and that these increases have been facilitated by local elected officials and are supported by loopholes in the Waste Equity Law (for waste-by-rail and barge) and in the Commercial Waste Zone Law (where C&D was excluded) that undercut gains these communities thought they had finally achieved.

In the current waste export system, the more waste export tonnage there is, the more money private waste transfer stations, haulers, and landfills make. And it doesn't matter what transportation mode is used to export this waste. Every ton of it involves trucks going in and out of a local transfer or transload facility to deliver waste -- whether it is a truck-truck, truck-barge, or truck-rail facility. Waste export involves pollution and odors that should be (and too often aren't being) controlled. Regardless of whether it is hauled it out of the city by truck, barge, or rail, any outmoded transport or containment technology that is used -- such as the high-polluting, unregulated 1970's locomotives hauling open rail cars of C&D that emit odors, waste blowoff, and leachate in NYC neighborhoods -- means additional health, environmental, and quality of life burdens on residents. The tendency of private companies involved in waste export has been to increase tonnage and string out their use of outmoded, least-cost technologies and practices that generate adverse community impacts. As this committee takes up the Solid Waste Management planning to get New York City to zero waste by 2030, I urge you to keep the community and taxpayer costs of waste export and environmental justice at the center of your work, invite those most affected into the decision-making process, and take their concerns and priorities as seriously as you do those of companies that reap financial benefits from current levels of waste export.

Mary Parisen-Lavelle, Chair, Civics United for Railroad Environmental Solutions, 69-07 69th St., Glendale, NY 11385 - 718-772-6563
CivicsUnited@gmail.com

Written Statement of GrowNYC to the New York City Council
Committee on Sanitation and Solid Waste Management
Re: Oversight in Getting to "Zero Waste"
And Intros 844, 2103 and 2250
April 21, 2021

Good afternoon, Chairman Reynoso and members of the Committee, and thank you for the opportunity to testify before you today in support of Zero Waste and the City's 0x30 goals. My name is David Hurd and I am the Director of Zero Waste Programs at GrowNYC. As many of you know, GrowNYC has played a pivotal role in helping improve the environmental quality of life in NYC for the past 50 years.

Since 2006, when GrowNYC's Zero Waste Programs were established, we have worked tirelessly and aggressively in partnership with the NYC Department of Sanitation to achieve the City's Zero Waste goals.

We applaud Council Member Reynoso and all of the other City leaders spotlighting the urgent need to prioritize Zero Waste efforts in New York City. Last year, city funding for GrowNYC's Zero Waste Programs, including our compost program, decreased by over 80%, and funding for our Zero Waste Schools Program was eliminated. With funding partially restored by the City Council, we have been able to reopen 16 of our former 76 food scrap drop off sites, and collections at these reopened sites are 42% higher than they were before the pandemic. However, while partial funding was restored for our compost program, GrowNYC's other Zero Waste program initiatives – textile recycling, residential recycling outreach & events, Stop 'N' Swap reuse events, public school recycling education, and work to improve recycling at NYCHA facilities – were eliminated with the budget cuts.

GrowNYC's Zero Waste programming has made a measurable (and immeasurable) impact on New York. As of March 2020, GrowNYC Zero Waste Programs were operating 76 food scrap drop-off sites and 34 clothing collection sites. Since we began our clothing collection program in 2007 and our food scrap drop-off program in 2011, GrowNYC has diverted 7 million pounds of textiles and 17 million pounds of food scraps from disposal. That represents over 700,000 individual textile donations and over 2.4 million individual food scrap donations. In addition to a loss of this impact, the proposed cuts would also eliminate GrowNYC's important work in improving recycling at NYCHA developments, where we have been working actively for the past five years. We have supplied direct outreach around recycling and composting to more than 3 million New Yorkers, reaching residents at community events and Greenmarkets, as well as in

schools and apartment buildings. And, we have hosted 328 Stop 'N' Swap events in all five boroughs, with over 81,000 New Yorkers donating and/or finding gently used items as an effective way to practice reuse. Through these reuse efforts, over 400 tons of reusable items were repurposed rather than thrown away.

In the last year, we've seen Department of Sanitation funding for composting decrease by 90%, from $26.6 million in FY20 to just $2.8 million in FY21. Funding was reduced by 34% for the NYC Compost Project, 75% for the GrowNYC Compost Program, and 100% for the Curbside Composting program. And yet, the funding that remains is being stretched to the limits, providing outsized community and environmental benefits that warrant increased investment in FY22.

With this year's smaller budget, GrowNYC has been able to reopen 16 of our 76 former food scrap drop-off sites, hire 20 Compost Coordinators & Drivers, engage 150 volunteers, and collect over 20 tons of food scraps from over 5,000 participants across NYC each week. That's the emissions equivalent of conserving 1,750 gallons of gasoline every single week. Here is a snapshot of what we achieved in FY21:

- This Earth Week, we will surpass 1 million pounds of food scraps collected since re-opening in September 2020.
- On average, **collections at our reopened sites are 42 percent higher today than they were before COVID-19**. Collections are up by 60% in the Upper West Side, 73% in Bed-Stuy, 80% higher in Fort Greene, 108% in the south Bronx, and 152% in Carroll Gardens (as of April 1, 2021).
- Growth in participation at our food scrap drop-off sites represents both demand for composting services and lack of composting opportunities. We need increased funding in order to keep up with demand.

This year's preliminary budget proposes just $3.5 million for composting. Alternatively, we support the Save Our Compost Coalition's request for nearly $14.75 million, which includes $2.5 million for the GrowNYC Compost Program.

Last year, Department of Sanitation funding for GrowNYC Zero Waste Schools was completely eliminated ($973K). This represented a loss of 11 full-time positions. Prior to loss of funding, GrowNYC ZWS staff worked with 130 schools per year, reaching over 70,000 students and 8,000 teachers to take action to reduce waste and divert recyclables and organics from landfill.

Our work had a measurable impact on behavior. From FY15 to FY19, over 100 school enrolled in the Zero Waste Schools Program i**mproved their organics tonnages 103%,** compared to a 22% improvement in organics tonnages on non-ZWS

routes during that same time. **Metal, glass, plastic, and carton (MGPC) tonnages improved by 74% at ZWS,** while MGPC tonnages on Non-ZWS routes decreased by 7%.

Through grants from the World Wildlife Fund, the Carton Council, and City Council, GrowNYC was able to secure funding to maintain a core of 2 staff to provide a pared down level of ZWS programming.

With this reduced level of funding, we have been able to engage over 25 schools in education focused on the connection between the food system, the waste system, and climate change, including the installation of onsite composting at four schools.

From January to March of this year, GrowNYC ZWS presented over 70 remote classes, workshops, and trainings, reaching over 1,200 participants.

With school organics scheduled to resume in the fall of 2021, it is vital that school administrators, custodial staff, Office of Food & Nutrition Services staff, teachers, and students receive the support and education provided by GrowNYC ZWS to successfully divert waste from landfill.

We respectfully request that funding for GrowNYC's Zero Waste and Zero Waste Schools Programs be fully restored to pre-COVID levels to ensure that critical environmental programming and educational initiatives within GrowNYC can continue and New Yorkers of all ages can participate in our sustainable future. By doing so, we can reach the Mayor's 0X30 goal together.

I would like to thank Chairman Reynoso and the Committee for the opportunity to provide this testimony and for making Zero Waste a top priority. We look forward to working with you to get there.

With gratitude,

David Hurd
Director, Zero Waste Programs
GrowNYC

For 50 years, GrowNYC has been transforming communities throughout the five boroughs by giving New Yorkers the tools and resources they need to make our city cleaner, healthier, and more sustainable. Whether it's operating the world-famous Union Square Greenmarket, building a new community garden, teaching young people about the environment, or increasing recycling rates through education, GrowNYC is hard at work in your neighborhood. GrowNYC is a privately-funded 501(c)(3) not-for-profit organization.

Good afternoon Chairman Reynoso and Sanitation Committee members,

My name is Fariha. I'm a senior in high school, which is coming to an end soon, but I've had the privilege of getting to work with an organization called Cafeteria Culture, which centers around creating zero waste and climate-smart schools. The founder, Ms. Debby Lee, has helped educate me and my peers and get us involved in climate action. Cafeteria Culture does work with other schools but obviously can't with every school. I really think all NYC youth should get an opportunity to receive some form of climate education in their schools because we've seen how vocal youth advocates have been in tackling some of the most pressing issues of our world and education leads to action. In my school, we briefly touched on climate change in biology but other than that we haven't had a curriculum dedicated to it. I've had to learn more about the climate crisis through my own research and as I said before, Cafeteria Culture definitely helped a lot. Before remote learning, our Eco Club was working to implement a sorting system in our cafeteria because we had no composting and our school's food waste was thereby being sent to landfills and contributing to methane emissions. I definitely think you all should support all of the bills on the agenda - they're essential in creating a zero-waste city - and I would also appreciate it if you all would consider investing in climate education. Thank you for taking the time to hear what I have to say.

Best,
Fariha Haider

Advocates of the Food Industry Since 1900

FOOD INDUSTRY ALLIANCE OF NEW YORK, INC.

111 Washington Avenue - Suite 200, Albany, NY 12210 (518) 434-1900

Testimony of the Food Industry Alliance of New York State, Inc. Regarding Int. 2103-2020

Thank you for the opportunity to testify on behalf of the Food Industry Alliance of New York State, Inc. (FIA) regarding Int. No. 2103-2020. FIA is a nonprofit trade association that advocates on behalf of grocery, drug and convenience stores throughout the state. We represent a broad spectrum of NYC food retail, from independent, neighborhood grocers to large chains, including many unionized stores. Our members account for a significant share of the city's retail food market and the stores they operate are valuable community assets, providing jobs and access to a wide assortment of fresh foods at affordable prices.

While FIA and its members support efforts to address food insecurity in New York City, including our members' donation of at least hundreds of thousands of pounds of food every year, we respectfully oppose this legislation.

Background. Neighborhood grocers have never faced a more difficult regulatory and operating environment. The Climate Mobilization Act and the transition to a commercial waste zone system have created immense uncertainty and, according to our analysis, will significantly increase operating expenses. This will add to the enormous cost of doing business in the city, including high rents, expensive health insurance and the $15.00 minimum wage. The pandemic caused the city's grocers to incur millions of dollars in additional costs, including higher labor expenses due to bonus pay and increased overtime, purchasing and installing protective plexiglass and frequent deep cleaning of stores. Grocery stores operating in neighborhoods that lost population or that are dependent on office workers experienced significant sales declines. Neighborhood grocers are trying to manage these considerable challenges while losing market share to nontraditional retailers (that are largely nonunion operators) such as internet grocers and natural/organic food retailers. This context should be considered when proposing additional regulatory burdens.

The NYS Food Donation and Food Scraps Recycling law. The NYS Food Donation and Food Scraps Recycling law (State Food Donation Law) requires large generators of food scraps to donate excess edible food "…to the maximum extent practicable." The proposed Department of Environmental Conservation rule implementing the State Food Donation Law defines "maximum extent practicable" as "…the degree to which the maximum amount of edible food can be donated for human consumption, without jeopardizing human health and the environment, *by implementing best management practices, taking into account cost-effectiveness and feasibility* (emphasis added)."

The legislation goes well beyond this requirement, specifically requiring that covered grocery stores offer excess food for donation, arrange for the retrieval of the excess food by its recipient and, if requested by a donee, to arrange for the transportation of the excess food with reasonable effort.

These higher standards are onerous and unnecessary considering our members' food donations, which are at least hundreds of thousands of pounds every year.

In addition, due to the city's organic waste diversion law, grocers operating in New York City are specifically excluded from the state law. In other words, the state exempted the city's grocers from its food donation mandate because the city's organic waste diversion law makes it unnecessary to include them. We see no rationale for the city to have a conflicting view. As noted above, FIA's members donate at least hundreds of thousands of pounds of food every year. The exemption incorporated into the bill does not reflect the pattern of this philanthropy, since it only applies if food is donated at least once a month to two or more not-for-profit organizations.

Legal Issues. According to the Legal Dictionary, the legal definition of a donation is "The act by which the owner of a thing, *voluntarily* transfers the title and possession of the same, from himself to another person, without any consideration; a gift (emphasis added)." Requiring covered grocery stores to offer excess food for donation makes the offer involuntary, which means it is not a donation. If it is not a donation, then what is it? Is it a taking of private property without compensation? Is mandating that grocers use their resources to arrange for the retrieval and transportation of the excess food to a recipient also a taking of private property without compensation? Please share with us the city's legal rationale demonstrating that a required contribution of private assets is a "donation."

The proposed local law also raises a First Amendment issue, by compelling commercial speech through the mandated notice offering excess food for donation. This is a complicated issue that should be analyzed further to ensure that an unconstitutional obligation is not being imposed on the city's grocers.

Penalties. The penalties authorized under the legislation are excessive. Specifically, the failure to comply with the law results in a penalty of up to $10,000 for each month during which the retail food store fails to post a required notice. In addition, the department must investigate any grocery store that has not posted notices offering excess food for at least six months out of the previous 12 months. This could result in the imposition of a $60,000 penalty. By way of comparison, the city organic waste diversion law imposes penalties of $250 for the first violation, $500 for the second violation within twelve months and $1,000 for the third and each subsequent violation within twelve months. The penalties are even potentially higher than the maximum fines for committing certain crimes. For example, in New York the maximum fine for a Class A and Class B misdemeanor is $1,000 and $500, respectively, or double the defendants' gain.

Conclusion. While we respectfully oppose the proposed local law, we support increasing food donations. We are happy to explore ways of accomplishing that goal with Councilmember Rosenthal and the other committee members. Accordingly, we respectfully request that the bill be held in committee while such discussions occur and while the significant legal issues raised by the legislation are addressed.

Thank you for your time and attention to our concerns.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.
Jay M. Peltz
General Counsel and Senior Vice President of Government Relations
Metro Office: 914-715-1750
jay@fiany.com

April 21, 2021

To: Committee on Sanitation Hearing Apri 212 2021
From: Michael Sito, New York Harbor School student
Re: Written Testimonial in Support of Policies 2250 and 844

My name is **Michael Sito** and I am a junior at New York Harbor School. I **support** making the c**itywide compost initiative into law.** The legislation that I **particularly** support is the 16-316.5 Zero Waste plan, which intends to send zero waste to any landfill in New York City by 2030. I also support the 16-143 Zero waste goal, which is a diversion of **100% of citywide-generated waste** by calendar year 2030.

EarthMatter and other composting projects around the city help create jobs and a **whole new industry** for sustainable labor. This in turn helps promote a **greener city** through a growing common culture of composting and sustainability. The projects also help to divert waste from landfills to a more sustainable option. **If** these programs that process compost **disappear or slow down**, there will be a **massive spike** in unsustainable systems in the city, such as throwing food scraps into regular trash. **Sustainability** should be part of the growth of the city.

I envision my future as supporting cultural institutions, parks, zoos, gardens and as well as having **paid employment in this sector.** The composting initiative supports the growth of these institutions and allows high school students **like myself** to have a future living **and** working in NYC.

Thank you.

Michael Sito

Cell phone 917 749 6704

Good afternoon. Chairman Reynoso and Sanitation Committee members. My name is Nabila Sharif and I am a student in 11th grade at the Brooklyn Latin School and a Youth Advocate with Cafeteria Culture. Thank you for this opportunity to speak and for your dedication bring New York City back on track to meet Zero Waste goals by 2030. I am also an immigrant from Bangladesh, home to one of the worst pollution crises in the world. I grew up seeing piles of trash, mounted higher than hills, and the stretch covering whole neighborhoods. So when I first moved to Queens, New York in 2011, the first thing I noticed were the pristine clean streets, and this has been a distinguishing factor that separated Bangladesh from the United States for me. The clean streets and fresh air had been a symbol of hope.

That is, until about a year ago, until I moved a few miles to Jamaica ave, and all the memories of Bangladesh came rushing back with the familiar stench of rotting garbage, and sight of liquor bottles and plastic bags on the grass. I also remembered something else that had shocked me when I came to the United States- people here were quick to throw things away, without a second thought. I remembered being frustrated at the waste, though I wasn't fully aware of its implications, but I took comfort in the fact that they were being recycled, and that measures such as Zero Waste by 2030 were actually being implemented. As it stands now, about ten years after I came to the U.S I can confidently say that virtually no effective measures have been taken to deal with solid waste on communities of colors, and the issue has exacerbated. Not only this, the city is neglecting to incentivize these communities to follow current environmental regulations. When simple mitigation measures such as recycling are made difficult, such as complicated packaging of products made with both recyclable and non-recycle materials, Zero Waste becomes impossible. When businesses practices such as planned obsolescence aren't kept in check, entire populations are conditioned to waste. With these current conditions, is Zero Waste by 2030 even attainable? If it is, for whom? We have all seen the statistics, but not enough solutions. Hopefully, this committee will succeed in taking the drastic and immediate actions necessary.

April 21, 2021

Testimony of Nelson Eusebio
Director of Government Relations
National Supermarket Association

Before the
New York City Council

Committee on Sanitation & Solid Waste Management

Regarding
Int. 2103-2020 – Donation of Excess Food

Thank you, Chairman Reynoso and the rest of the committee members, for the opportunity to submit testimony.

My name is Nelson Eusebio and I'm the Director of Government Relations for the National Supermarket Association (NSA). NSA is a trade association that represents the interest of independent supermarket owners in New York and other urban cities throughout the East coast, Mid-Atlantic region and Florida. In the five boroughs alone, we represent over 400 stores that employ over 15,000 New Yorkers. Our members work hard every day to run their businesses, support their families and provide jobs and healthy food options to their communities.

There were several bills heard as part of today's hearing, but I would like to focus my testimony on Int. 2103-2020 sponsored by Council Member Rosenthal. This legislation would require grocery retail food stores such as grocery stores to post notices on the food donation portal at least once per month as well as arranging for the retrieval of food these stores are donating as well as arranging for transportation to a recipient.

At a time when grocery stores are drowning under a sea of burdensome regulations and struggling to meet consumer demands while at the same time dealing with the impacts of the COVID-19 pandemic, we are dismayed that the Council would seek to implement another burdensome regulation to the supermarket industry. From a logistical standpoint, we are very concerned with the requirements for supermarkets to post what food is available for donation on a monthly basis as well as arranging for the transportation and pick up of such food.

As we represent minority-owned supermarket owners, many of our members have language barriers and we are concerned that they will be able to comply as the Donate Food portal is currently in English only. Furthermore, when it comes to the supermarket industry, our food products are not expiring on a monthly basis but rather on a daily and

weekly basis which would make the monthly requirement impossible for us to comply with in terms of what inventory we may have for donation.

What is more troubling, however, is the excessive fines and penalties prescribed in this legislation for non-compliance. We are puzzled by the legislative intent of this bill to penalize an industry that is struggling to make ends meet, keep our workers employed, and continue to ensure that fresh foods and goods are stocked for consumers throughout this pandemic. If the Council is really passionate about this issue and seeks to expand what food is being donated, then they should incentivize not penalize supermarkets to participate in the system. The Council should explore incentives such as tax credits, fine forgiveness, and utility or rent credits as possible examples.

There is also the issue of existing state law that governs the donation of food. It is our understanding that state law regarding this issue is much more flexible in terms of donation requirements and responsibilities of collection that doesn't impose burdensome regulations on supermarket owners. The onus to retrieve the food for donation is the responsibility of the recipient not the supermarket owner. We don't think it's helpful for the Council to implement this legislation which would directly conflict with existing state law.

Thank you for your consideration and we look forward to working with the Council on this issue.

New York City Environmental Justice Alliance
462 36th St, 3F, Brooklyn, NY 11232 | www.NYC-EJA.org

On the ground – and at the table

NYC-EJA's Testimony on Waste Equity for the City Council Zero Waste Hearing

April 21, 2021

Good afternoon. My name is Dr. Tok Oyewole, and I am testifying on behalf of the New York City Environmental Justice Alliance (NYC-EJA).

Since 1991, NYC-EJA has led efforts for comprehensive policy reforms to address the disproportionate burden of New York's solid waste system on a handful of environmental justice communities. The impacts of the solid waste system are greatest in a few low-income and communities of color - North Brooklyn, South Bronx, Southeast Queens, and Sunset Park - where truck-dependent transfer stations are clustered, causing higher proportions of health consequences such as asthma, heart disease, and various cancers than elsewhere in the City. The South Bronx has one of the highest death and disease rates from asthma, and complications from COVID-19, in the country. [1]

Outside of NYC, we rely on a system of truck-based export, where our waste is sent to landfills and incinerators in neighboring or distant communities, from as nearby as predominantly Black and brown Newark, New Jersey, [2] to as far away as Virginia and South Carolina. The pollutants arising from incinerators can vary depending on what is being burned, concentrating toxins that lead to cancers or other health defects such as dioxins, lead, and cadmium in the ash that is then transferred to landfills or hazardous material sites. Burning large amounts of trash in combustion chambers, some incinerators use heat to produce electricity, similar to the technology of a coal plant; although there is an attempt to claim that "waste-to-energy" is sustainable, it is one of the most emission-intensive ways to generate energy, and the health, environmental, and climate impacts are manifold, including up to 2.5 more greenhouse gases than coal-based energy production. [3] [4]

Liquid leachate from transfer stations and landfills pollutes nearby waterways with an array of compounds, along with the disintegration of plastics, and larger single-use materials produced and littered. Traditionally, it is low-income communities that suffer from the poorest waste management services and infrastructure - a case in point is NYCHA, which, in a development of low-income housing

[1] https://www.thecity.nyc/health/2020/4/3/21210372/bronx-residents-twice-as-likely-to-die-from-covid-19-in-nyc
[2] https://www.census.gov/quickfacts/fact/table/newarkcitynewjersey,US/PST045219
[3] New Jersey's Dirty Secret: The Injustice of Incinerators and Trash Energy in New Jersey's Frontline Communities, February 2021. EarthJustice, Ironbound Community Corporation, et al.
[4] False Solutions. Gas and trash: how the fossil fuel industry is holding back a just transition, NY Renews

with a population that approximates the size of Atlanta, has a recycling rate near 0%, with inadequate bin locations and collection procedures.

It is clear that our current system of over-reliance on excess waste generation and export to facilities is not only unsustainable, but polluting and poisoning environmental justice communities, and our planet. We are here today to advocate for improvements in the City's waste system, specifically calling for some key policies to reduce burdens in and out of the City. We think these investments and policies would dramatically improve equity for environmental justice and frontline communities, and ensure the City's commitments to its stated goals.

Additionally, while the de Blasio administration's goals initially included a call to divert all of our waste from landfills, NYC would be remiss to ignore the opportunity to divert from incinerators which in some cases generate electricity, albeit through dirty, greenhouse-gas emitting mechanisms, and in most cases, pollute the bodies of primarily low-income Black, Brown, and Indigenous communities nearby.

Materials and Waste Reduction: We support the development of legislation to reduce the amount of waste generated in the first place, as recycling is not a 100% efficient method of converting materials and requires resource input to complete (transport, energy, labor). We urge the city to explore and implement comprehensive reusables programs in food retail, restaurants, shipping, personal care, and household products to circumvent a large portion of our city's avoidable single-use product stream, including by providing financial and educational investments into businesses to implement. We hope to see textile origination labeling and stocking reduction to prevent extractive and polluting practices and avoid the 6% of waste from NYC that is textiles. We hope to see donation programs for food and other goods, requiring partnerships with retailers - and we urge for comprehensive demand planning tools and technologies to avoid waste in retail and restaurants, as well as independent waste audits. We are happy to discuss the best ways of reducing other waste streams as well.

Organics and Composting Budget: As colleagues in the Save Our Compost Coalition have shared, we are proposing a moderate budget proposal of $14.75 million dollars for the upcoming fiscal year - that girds us for full implementation of citywide mandatory organics collection and processing in the near term (next fiscal year at the latest) - inclusive of an expanded food-scrap drop off program that compensates workers, funding of the Zero Waste Schools program funding, a multi-family building Collection and Processing Pilot-to-Implementation inclusive of NYCHA, and more.

Of critical importance is the **expansion of local community composting sites**, which divert waste from transfer stations and other waste infrastructure, but also provides valuable community education and services. In order to compost the growing volume of food scraps generated in the Food Scrap Drop-off program and build capacity for localizing organic waste processing and green jobs in composting, the City should fund in the short term $3.5 million for the development of 6 community composting sites throughout the city on Parks and/or other city land to provide equitably-sited composting resources throughout the city, and preserve the existing sites whose futures are at risk in Western Queens (Big Reuse), and Lower Manhattan (LES Ecology Center), and Governors Island (Earth Matter NY). We urge the city to ease restrictions on up-and-coming microhaulers, who often employ young people of color to divert organic waste using zero- and low-emissions vehicles.

We would like to see the full life cycles of the organics programs, including where 100% of the food scraps collected end up, to ensure that food scraps do not end up going into transfer stations, incinerators, or landfills, such as what occurred with some of the food scraps collected through the partial curbside program, via the Newtown Creek's anaerobic digestion facility.

Robust Universal Organics Program: We request that feasibility studies and pilots be done by the end of 2021 for rapid and thoughtful implementation of a robust, citywide mandatory organics program, as soon as 2022. Reallocating surplus funds from bloated budgets in the City such as the NYPD's overtime budget, or federal funds into the City for environmental and climate initiatives, are potential ways to fund this necessary program, which needs to be coupled with local processing increases. We have until 2030 to curb GHG emissions to prevent global warming above 1.5 degrees celsius, and so we must advance bold decisions in the near-term - this means building the infrastructure now to plan for when we can manage all of our City's organics capacity.

Commercial Waste Zones & Transfer Stations: We and the Transform Don't Trash Coalition are glad to see that the City Council's budget response has affirmed our ask for staffing and oversight of the Commercial Waste Zones system passed in Local Law 199 of 2019.

We particularly want to see facilities that have not been in compliance with laws relating to public health and safety either 1) not contracted with in the CWZ system or 2) brought up to code without any further delay.

We urge the City to ensure that waste facilities in Southeast Queens are brought up to health and safety codes, having been "grandfathered" into a mixed residential M1 zone. In solidarity with the wishes of the community, we want to see an upholding of the capacity reductions under the Waste Equity law.

Lastly today, the City has committed to building the Gansevoort Marine Transfer Station by 2026, to displace the quantity of metals, glass, plastics, and paper going to transfer stations in communities of color, using a more efficient mode of transport than heavy-duty diesel trucks. When this happens, we hope that the single-use materials that go to this facility are much lower in quantity and processed locally in sustainable ways. This facility requires coordination between the City and the State, and as 2026 is approaching, we are requesting to see the City's plans for the build out of the project this year.

Thank you for the opportunity to raise these urgent concerns pertaining to zero waste, waste equity, and greenhouse gas and co-pollutant reductions. We encourage you to invest in the development of long-term waste reduction and waste equity plans, to reduce burdens unjustly faced by a handful of communities in and out of NYC, and to better preserve our planet's limited resources.

Testimony of Carlos Castell Croke
Associate for NYC Programs
New York League of Conservation Voters

City Council Committee on Sanitation
Hearing on Intro 2250 and 844
April 21, 2021

Good afternoon, my name is Carlos Castell Croke and I am the Associate for New York City Programs at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank Chair Reynoso and all of the Council Members on the committee for the opportunity to testify today.

NYLCV, along with many New Yorkers and climate advocates, strongly believe that reducing our waste is essential to fighting climate change. Food encompasses a third of our City's waste, and when this waste is put into landfills it produces a significant amount of methane, a greenhouse gas 30 times more potent than carbon dioxide. Furthermore, the city produces a substantial amount of waste through single use plastics such as plastic straws and takeout utensils. These items often end up in our waterways and streets where they can be harmful to wildlife. However, with proper waste reduction and recycling methods in place, we can develop and implement a climate smart approach to waste management.

Since the curbside compost pilot was scrapped and waste reduction programs were heavily defunded in the FY21 budget, we believe that it is more important than ever to double down on Mayor de Blasio's stated goal of sending zero waste to landfills by the year 2030 (0x30). The New York League of Conservation Voters Education Fund's (NYLCVEF) climate tracker, which reports on the City's progress towards many of the environmental goals in OneNYC, estimates that in order to achieve 0x30 we must reduce our waste by 8% each year on average. To achieve this kind of reduction we will need strong commitments from all stakeholders and bold legislation that tackles waste head on.

NYLCV therefore strongly supports Introductions 2250 and 844 as they will get us back on track with the waste reduction goals established in OneNYC. Intro 2250 will require that the Department of Sanitation (DSNY) report regularly on the city's progress towards this goal and Intro 844 will codify the goal in the city's administrative code. These bills will enforce the

commitment originally established in OneNYC and ensure the level of accountability we need to achieve this goal.

These bills will be an important step towards achieving 0x30, but there is still much more to be done. In order to achieve 0x30, we will need to bring back the curbside compost program, expand it to serve all New Yorkers, and take other actions to reduce waste and increase recycling. We look forward to working with the NYC Council on implementing the bold and progressive waste reduction laws that will put us on the path towards 0x30.

Thank you for the opportunity to testify today.

HUNTER COLLEGE
NEW YORK CITY
FOOD POLICY CENTER

Testimony of Charles Platkin, Ph.D., J.D., M.P.H., Distinguished Lecturer, Hunter College, CUNY; Executive Director, Hunter College New York City Food Policy Center

Title of hearing: A Local Law to administrative code of the city of New York, in relation to requiring certain retail food stores to post notices on the food donation web portal concerning the availability of excess food, and arranging for the transportation and retrieval of such food.

April, 23 2021

Thank you to Chairperson Rosenthal, and City Council members Brannan, Reynoso, Kallos, Louis, and Chin, and the members of the Committee on Sanitation and Solid Waste Management for the opportunity to submit written testimony regarding "A Local Law to amend the administrative code of the city of New York, in relation to requiring certain retail food stores to post notices on the food donation web portal concerning the availability of excess food, and arranging for the transportation and retrieval of such food."

I am providing this testimony on behalf of the Hunter College New York City Food Policy Center, of which I am the executive director. The Center was created in 2012 to develop collaborative, innovative and evidence-based solutions to prevent diet-related diseases, promote healthy eating and reduce food insecurity in New York City and other urban centers. The Center works with policy makers, community organizations, advocates and the public to create healthier, more sustainable food environments. We thank the City Council and the Speaker's office for their support of our Center.

In the United States, as much as 30-40 percent of the food supply is wasted.[1] There are two types of wasted food: food loss and food waste.[2] Food loss is the broader category that encompasses any edible food that is not consumed at any stage; this includes crops that spoil or are left in the field, food that goes bad in transportation, food that doesn't make it to a retail food store or restaurant in addition to food that's uneaten in homes and stores. Some amount of food is lost at

[1] Food Waste FAQS. https://www.usda.gov/foodwaste/faqs. Accessed April 12, 2021.
[2] Food Waste is a Massive Problem--Here's Why. https://foodprint.org/issues/the-problem-of-food-waste/. Accessed April 15, 2021.

almost every stage of food production.[3] Food waste is a subset of food loss, which the US Department of Agriculture's (USDA) Economic Research Service (ERS) defines as "food discarded by retailers due to color or appearance and plate waste by consumers."[4]

The USDA's ERS estimates that 31 percent of the food supply at the retail and consumer levels is wasted, translating to approximately 133 billion pounds and $16 billion worth of food.[5] The impact of food waste is far-reaching and includes sending wholesome food that could help individuals experiencing food insecurity to landfills. Food waste also translates to wasted resources including energy, land, water, time, labor and other inputs that go into producing, processing, transporting, storing, preparing and disposing food.[6]

While reducing food waste is critical, we need to make sure that elected officials, government staffers, community-based organizations and community members recognize that the most impactful solutions to solve hunger and food insecurity are governmental assistance programs. For instance, it is essential to strengthen public assistance programs such as the Supplemental Nutrition Assistance Program (SNAP) and Women, Infants and Children (WIC). These programs ensure that all Americans, regardless of race, sexual identity or orientation, ethnicity or background have access to nutritious, affordable food.[7] SNAP provides approximately 43 million low-income Americans with access to food.[8]

That said, confronting food waste is important because it can help mitigate food insecurity and hunger, as well as climate issues related to food production and waste. By connecting those experiencing food insecurity with food resources that would otherwise be wasted, we can reduce greenhouse gas emissions that occur when food is sent to a landfill.[9]

---

[3] Thyberg, Krista L., and David J. Tonjes. "Drivers of Food Waste and Their Implications for Sustainable Policy Development." *Resources, Conservation and Recycling*, vol. 106, 2016, pp. 110–123. https://commons.library.stonybrook.edu/cgi/viewcontent.cgi?article=1020&context=techsoc-articles. Accessed April 16, 2021.

[4] Food Loss—Questions About the Amount and Causes Still Remain. https://www.ers.usda.gov/amber-waves/2014/june/food-loss-questions-about-the-amount-and-causes-still-remain/. Accessed April 15, 2021.

[5] Food waste FAQS. https://www.usda.gov/foodwaste/faqs. Accessed April 12, 2021.

[6] Food Waste FAQS. https://www.usda.gov/foodwaste/faqs. Accessed April 12, 2021.

[7] Biden-Harris Administration's Actions to Reduce Food Insecurity Amid the COVID-19 Crisis. https://www.usda.gov/media/press-releases/2021/03/03/biden-harris-administrations-actions-reduce-food-insecurity-amid. Published March 3, 2021.

[8] Biden-Harris Administration's Actions to Reduce Food Insecurity Amid the COVID-19 Crisis. https://www.usda.gov/media/press-releases/2021/03/03/biden-harris-administrations-actions-reduce-food-insecurity-amid. Published March 3, 2021.

[9] Reduce Wasted Food By Feeding Hungry People. https://www.epa.gov/sustainable-management-food/reduce-wasted-food-feeding-hungry-people Accessed April 16, 2021

Connecting Food Insecurity And Food Waste

Food Insecurity

In the United States, food insecurity and food waste are intricately connected.[10] Feeding America estimates that 45 million people (one in seven), including 15 million children, experienced food insecurity in 2020.[11] The USDA defines food insecurity as the limited or uncertain availability of nutritionally adequate and safe foods, or limited or uncertain ability to acquire acceptable foods in socially acceptable ways.[12] The number of food insecure individuals in America increased by 13 million from 2018 to 2020, much due to the economic impact and food access implications of the COVID-19 pandemic.[13]

Food Waste

Despite rates of food insecurity rising across the nation, nearly 40 percent of the food supply in America goes to waste.[14,15] Food waste is the single largest category of material in landfills,[16] making up twenty-one percent of landfill volume.[17] Not only does food waste have a significant environmental impact, but the more than 100 billion pounds and more than $218 billion worth of food waste represents nourishment that could have fed millions of individuals across the country experiencing hunger and food insecurity.[18,19]

It is important for individual Americans to be conscientious about food waste, because the environmental impact of food waste being sent to landfills is severe: food scraps at landfills

---

[10] Why Should We Care About Food Waste? USDA. https://www.usda.gov/foodlossandwaste/why. Accessed April 12, 2021.
[11] Hake M, Dewey A, Engelhard E, Strayer M, Dawes S, Summerfelt T. The Impact of Coronavirus on Food Insecurity. Feeding America. https://www.feedingamerica.org/research/coronavirus-hunger-research. Published March 2021.
[12] What is Food Security and Food Insecurity? Economic Research Service. https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/measurement.aspx#insecurity. Published December 18, 2020.
[13] Hake M, Dewey A, Engelhard E, Strayer M, Dawes S, Summerfelt T. The Impact of Coronavirus on Food Insecurity. Feeding America. https://www.feedingamerica.org/research/coronavirus-hunger-research. Published March 2021.
[14] Hake M, Dewey A, Engelhard E, Strayer M, Dawes S, Summerfelt T. The Impact of Coronavirus on Food Insecurity. Feeding America. https://www.feedingamerica.org/research/coronavirus-hunger-research. Published March 2021.
[15] Phillips J. Reducing Food Waste Can Help Address Food Insecurity. U.S. News & World Report. https://www.usnews.com/news/healthiest-communities/articles/2019-10-22/commentary-the-link-between-food-waste-and-food-insecurity. Published October 22, 2019.
[16] Food Loss and Waste. Center for Food Safety and Applied Nutrition. https://www.fda.gov/food/consumers/food-loss-and-waste. Published February 23, 2021.
[17]"Fighting Food Waste With Food Rescue." *Feeding America.* https://www.feedingamerica.org/our-work/our-approach/reduce-food-waste. Accessed April 12, 2021.
[18] Food Loss and Waste. Center for Food Safety and Applied Nutrition. https://www.fda.gov/food/consumers/food-loss-and-waste. Published February 23, 2021.
[19] Gallanter M. Food Waste: Food by the Numbers - NYC Food Policy Center. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/food-waste-food-by-the-numbers/. Published February 24, 2020.

produce methane, a greenhouse gas that contributes to global warming.[20] Much of the waste produced at the household level is edible food scraps and food that was left uneaten for so long that it spoiled. While individual efforts to reduce food waste are critical, it will likely NOT have a significant impact on food insecurity and hunger in NYC and beyond.[21]

Food Waste's Impact on Food Insecurity

To make a sustainable impact on food waste, food insecurity and hunger, policies need to be enacted to require institutions (e.g., schools, hospitals, parks, prisons, nursing homes, senior centers, child care facilities, city government buildings and public and private cafeterias) and retail food outlets to redistribute excess food. At retail outlets and commercial institutions wasted food is frequently just surplus food, past its "sell by" date (but still edible), or considered too "ugly" to sell.[22] Currently, only 10 percent of the edible wasted food is being recovered, and the USDA estimates that supermarkets lose $15 billion worth of fruit and vegetables alone each year.[23]

According to a 2018 report by ReFED, a national nonprofit working to end food waste, 40 percent of food waste comes from retail food stores, and 43 percent comes from individual homes.[24] Much of the food waste from retail stores can be prevented by redistributing food surplus, especially to individuals experiencing food insecurity and organizations working to provide greater food access to those in need.[25]

ReFED's Insights Engine estimates that the retail food sector generates 10.5 million tons of food waste.[26] A 2012 National Resources Defense Council (NRDC) study identified that some of the major causes of supermarket food waste include misconceptions about sell-by and best-buy dates, discarding of dented boxes and "ugly" produce,[27] and overstocked product displays. The NRDC explains that grocery stores operate under the theory that customers are more likely to

---

[20] Why should we care about food waste? USDA. https://www.usda.gov/foodlossandwaste/why. Accessed April 15, 2021.
[21] Hoover D. Estimating Quantities and Types of Food Waste at the City Level. Natural Resources Defence Council. https://www.nrdc.org/sites/default/files/food-waste-city-level-report.pdf. Published October 2017.
[22] Wasted: How America is Losing Up to 40 Percent of Its Food from Farm to Fork to Landfill, Second Edition. Natural Resources Defence Council. https://www.nrdc.org/sites/default/files/wasted-2017-report.pdf. Published August 2017.
[23] Buzby, Jean C. et al. "The Estimated Amount, Value, and Calories of Postharvest Food Losses at the Retail and Consumer Levels in the United States." *Economic Research Service, USDA,* February 2014. Retrieved March 7, 2019, from https://www.ers.usda.gov/webdocs/publications/43833/43680_eib121.pdf
[24] Retail Food Waste Action Guide. ReFED. https://refed.com/downloads/Retail_Guide_Web.pdf. Published 2018.
[25] Berkenkamp JA. Charting the Course on Food Recovery. Natural Resource Defense Council. https://www.nrdc.org/experts/joanne-berkenkamp/charting-course-food-recovery. Published March 9, 2016.
[26] Solutions for Food Waste in Grocery Stores for Retailers. ReFED. https://refed.com/stakeholders/retailers. Accessed April 12, 2021.
[27] Grewal L, Hmurovic J, Lamberton C, Reczek RW. Why Consumers Won't Buy Ugly Produce. American Marketing Association. https://www.ama.org/2019/01/24/why-consumers-wont-buy-ugly-produce/. Published January 24, 2019.

buy from fully stocked displays, which leads to damaged items on the bottom of the displays and food waste with a constant flow of overstocked items.[28,29]

This is exactly why food rescued and redistributed from retail food outlets and institutions would be impactful in reducing food waste and food insecurity.

Some people might be concerned about the ethics of feeding hungry people with rescued food. However, much of the food waste that is produced in stores and homes is victim to "best by," "sell by," and expiration labeling confusion, as plenty of food is discarded due to the date on the label even if the food is still nutritionally adequate.[30]

The social implications of food waste, paralleled with the nation's high rates of food insecurity, demonstrate why food rescue and redistribution are needed as part of the solution to fight hunger.

Food Insecurity, Covid-19 And NYC

Food Insecurity in New York City

In July 2020, nearly one-third of New Yorkers reported not having enough food to eat,[31] with Black and Latinx communities being disproportionately impacted by food insecurity.[32] The 2016 Behavioral Risk Factor Surveillance System survey showed that just under 17 percent of white non-Hispanics in New York City experience food insecurity, compared to 31.8 percent and 41.3 percent of Black and Latinx residents, respectively.[33] According to a September 2020 survey, 39 percent of Black residents and 55 percent of Latinx residents expressed worry that their household would run out of food before they could buy more, compared to 27 percent of white residents.[34] Eleven percent of New Yorkers reported accessing free food from distribution sites such as food pantries and schools,[35] and without food distribution sites, there would likely be

---

[28] Gunders D. Wasted: How America Is Losing Up to 40 Percent of Its Food from Farm to Fork to Landfill. Natural Resources Defense Council. https://www.nrdc.org/sites/default/files/wasted-food-IP.pdf. Published August 2012.
[29] Wasted: How America is Losing up to 40 Percent of Its Food from Farm to Fork to Landfill, Second Edition. Natural Resources Defense Council. https://www.nrdc.org/sites/default/files/wasted-2017-report.pdf. Published August 2017.
[30] Roe BE, Qi D, Bender KE. Some issues in the ethics of food waste. *Physiology & Behavior*. 2020; 219:112860. https://doi.org/10.1016/j.physbeh.2020.112860
[31] NYSHealth Testimony on the Impact of COVID-19 on Food Insecurity in New York State. New York State Health Foundation. https://nyshealthfoundation.org/2020/09/17/nyshealth-testimony-on-the-impact-of-covid-19-on-food-insecurity-in-new-york-state/. Published September 17, 2020.
[32] Food Insecurity and COVID-19 - Welcome to NYC.gov. NYC Health. https://www1.nyc.gov/assets/doh/downloads/pdf/covid/covid-19-food-insecurity.pdf. Published July 24, 2020.
[33] BRFSS Brief: Perceived Food Security. https://www.health.ny.gov/statistics/brfss/reports/docs/1810_food_security.pdf. Published 2016.
[34] Rates of Food Insecurity Remain High Despite Expansion of New York City Food Assistance Programs. October 2020. https://sph.cuny.edu/life-at-sph/news/2020/10/14/food-insecurity-covid-release/. Accessed April 12, 2021.
[35] NYSHealth Testimony on the Impact of COVID-19 on Food Insecurity in New York State. New York State Health Foundation.

even more New Yorkers struggling with food insecurity.[36] Those sites rely heavily on donations because most are non-profit organizations with minimal budgets for purchases.

Food Insecurity Increases During COVID-19

Brought on by the economic and social impacts of the COVID-19 pandemic, rising rates of food insecurity led to an overhaul of emergency food programs and services provided by NYC. Closures of schools, child care programs, senior centers, and other emergency food programs strengthened existing barriers and created new barriers to accessing food.[37] From March through August 2020, the number of food insecure individuals in New York City nearly doubled from 1.2 million to 2 million.[38]

In order to meet the swell in demand caused by the COVID-19 lockdown, City agencies, nonprofit organizations and policymakers adapted existing service models in order to maximize safe food distribution to those in need.[39] The Food Bank for New York City indicated that 74 percent of food pantries and soup kitchens saw an increase in the overall number of visitors during 2020 compared to 2019.[40] Despite the increased reach of food assistance programs, food insecurity remains high, especially in low income, Black and Latinx communities.[41]

NY Food 20/20 Visions, Research & Recommendations for Food Systems During COVID-19 and Beyond

A report published by the Hunter College NYC Food Policy Center and collaborating institutions indicated the difficulty the pandemic has had on emergency food program distribution.[42] Many food pantry and soup kitchen employees and volunteers, often older people fearful of contracting

---

https://nyshealthfoundation.org/2020/09/17/nyshealth-testimony-on-the-impact-of-covid-19-on-food-insecurity-in-new-york-state/. Published September 17, 2020.

[36] NY Food 20/20: Vision, Research, and Recommendations During COVID-19 and Beyond. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/wp-content/uploads/2020/10/ny2020-finalv2.pdf. Published October 5, 2020.

[37] Gallanter M. Food Waste: Food by the Numbers - NYC Food Policy Center. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/food-waste-food-by-the-numbers/. Published February 24, 2020.

[38] Mann B. In New York City, 2 Million Residents Face Food Insecurity, Officials Say. NPR. https://www.npr.org/sections/coronavirus-live-updates/2020/05/21/860312565/in-new-york-city-2-million-residents-face-food-insecurity-officials-say. Published May 21, 2020.

[39] NY Food 20/20: Vision, Research, and Recommendations During COVID-19 and Beyond. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/wp-content/uploads/2020/10/ny2020-finalv2.pdf. Published October 5, 2020.

[40] Fighting More Than COVID-19: Unmasking the State of Hunger in NYC During a Pandemic. Food Bank For New York. https://1giqgs400j4830k22r3m4wqg-wpengine.netdna-ssl.com/wp-content/uploads/Fighting-More-Than-Covid-19_Research-Report_Food-Bank-For-New-York-City_6.09.20_web.pdf. Published 2020.

[41] Rates of Food Insecurity Remain High Despite Expansion of New York City Food Assistance Programs. https://sph.cuny.edu/life-at-sph/news/2020/10/14/food-insecurity-covid-release/. Published October 2020.

[42] NY Food 20/20: Vision, Research, and Recommendations During COVID-19 and Beyond. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/wp-content/uploads/2020/10/ny2020-finalv2.pdf. Published October 5, 2020.

COVID-19, left their roles at emergency food programs. Decreased staffing and shutdowns made serving healthy foods more difficult and pantries had less capacity to organize and distribute fresh items. At the same time, organizations that typically donate food, like restaurants and hotels, closed.[43]

A consistent supply of food and lack of staff may be reasons for food pantry and soup kitchen closures. At the beginning of the pandemic, a majority of food pantries were not open. Between April and mid-May 2020, the Center could only confirm 20 to 35 percent of food pantries city-wide were open. Many Black and Brown neighborhoods, communities hardest hit by the COVID-19 virus, had access to fewer food pantries and soup kitchens. For example, Morrisania and Brownsville, communities with disproportionately high infection rates, had very low percentages of food pantries that remained open (8 percent and 12 percent, respectively). As time passed, more pantries began to reopen. From May 22nd through August 1st, 2020, the percentage of food pantries that we confirmed to be open steadily increased from 63 to 72 percent, rates still lower than prior to the pandemic. But, the limited number of days and hours that pantries were open—in many instances only once a week or once a month— may have limited community members' access to food. Data collected by the Center's research indicated that 14 percent of food pantries and soup kitchens that were open in August 2020 were only open once or twice a month, on rotating schedules such as "every other Sunday" or the "first and third Wednesday of the month."[44]

Connecting NYC Residents with Available Food Resources

In response to the COVID-19 pandemic, the Center, collaborating with NYC agencies and community-based organizations, developed Coronavirus NYC Neighborhood Food Resource Guides for each and every of NYC's 59 community districts to address these concerns. Each guide includes information specific to the district, including the following: Food pantries and soup kitchens; Supermarkets, delis, bodegas, and retail stores (store hours and delivery options); Special shopping hours for seniors at supermarkets; Department of Education meal hubs; Meals for seniors and delivery programs; Resources for people with disabilities; Shelters, transitional housing, and services for the homeless; Resources for immigrants and undocumented individuals and families; Farmers' markets; Nonprofit organizations offering food delivery and/or mobile markets; and SNAP and WIC resources.

The Coronavirus NYC Neighborhood Food Resource Guides (see HERE) offer an invaluable service at a time of unprecedented need. While some organizations track information on specific

[43] NY Food 20/20: Vision, Research, and Recommendations During COVID-19 and Beyond. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/wp-content/uploads/2020/10/ny2020-finalv2.pdf. Published October 5, 2020.
[44] NY Food 20/20: Vision, Research, and Recommendations During COVID-19 and Beyond. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/wp-content/uploads/2020/10/ny2020-finalv2.pdf. Published October 5, 2020.

kinds of services that they offer or that are offered within the community, The Center's Guides are alone in their effort to collate a comprehensive, public online database of food assistance and social services in NYC. Crucially, the Center maintains daily updates of the Guides, with a range of 15-60 volunteers per week making calls to check for changes in service information. This system keeps community members up-to-date on the frequent and rapid changes to the services on which they depend. NYC residents have been impacted significantly by COVID-19, and the unemployment rate in the metropolitan area remains one of the highest in the country. Food insecurity among NYC residents has almost doubled since March, demonstrating the elevated need for an easy-to-use resource connecting people in need to service providers.

Impacting Food Insecurity with Food Redistribution

The combined problem of food insecurity and food waste provides a unique opportunity to distribute excess food to emergency food relief sites across the City. Each year an estimated 3.9 million tons of food from New York ends up in landfills,[45] and more than $1 billion is spent per year to manage all solid waste from New York City, including $300 million to export 3.3 million tons of City-collected waste.[46] In a report assessing the amount of wasted food in three United States cities, including New York City, the NRDC found that 68 percent of all food discarded was considered to be edible and able to be recovered and redistributed to those in need.[47] Therefore, requiring stores to donate excess food to local distribution sites will help mitigate both food waste and food insecurity.

Retail food rescue is important in mitigating food waste and food insecurity. In fact, in the Environmental Protection Agency (EPA)'s Food Recovery Hierarchy, which designates critical solutions to preventing and diverting wasted food, the recommendation to "Feed Hungry People" is the second only reducing the creation of surplus food.[48]

Current Food Rescue Programs And Initiatives

Many organizations are already participating in retail sector food recovery in NYC. City Harvest, the world's first food rescue organization, rescues 144 million pounds of food per year from restaurants, grocery stores, bakeries, manufacturers and farms and delivers it free of charge to 500 community food programs across New York City.[49] Rescuing Leftover Cuisine, operating in

---

[45] Working to Solve New York's Food Waste Problem. New York League of Conservation Voters. https://nylcv.org/news/working-solve-new-yorks-food-waste-problem/. Published August 23, 2018.
[46] Gallanter M. Food Waste: Food by the Numbers - NYC Food Policy Center. Hunter College NYC Food Policy Center. https://www.nycfoodpolicy.org/food-waste-food-by-the-numbers/. Published February 24, 2020.
[47] Hoover D. Estimating Quantities and Types of Food Waste at the City Level. Natural Resources Defense Council. https://www.nrdc.org/sites/default/files/food-waste-city-level-report.pdf. Published October 2017.
[48] Food Recovery Hierarchy. EPA. https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy. Accessed April 15, 2021.
[49] City Harvest. https://www.cityharvest.org. Accessed April 13, 2021.

16 cities and headquartered in New York City, also coordinates excess food delivery from grocery stores and other retail food businesses in NYC to communities in need.[50]

Outside of New York City, food rescue initiatives have also seen major success. A nonprofit in Boulder, Colorado, called Boulder Food Rescue, connects with retail food stores (such as grocery stores) to distribute food that otherwise would be thrown away and redistributes it to recipient sites, such as food pantries and soup kitchens. Between 2012 and 2016, this organization saw a nearly five-fold increase in pounds of food rescued from retailers.[51]

Food Redistribution in New York City and the Proposed Local Law

The Center applauds the members of the City Council for their continued efforts to decrease food waste and food insecurity. The City Council Speaker's Growing Food Equity in New York City report noted the City's goals to reduce food waste, specifically in underserved communities, and highlighted efforts including Local Law 176 of 2017 that required the NYC Department of Sanitation to create and maintain the donateNYC Food Portal.[52,53] Launched in March 2019, the donateNYC Food Portal is an online portal system created to reduce food waste by facilitating food donations to organizations that can use or redistribute it.[54] Any business, nonprofit, school, government agency, religious organization, or community group in New York City is eligible to receive food through the donateNYC Food Portal. Recipients are able to specify the type of food needed, their storage capacity and can remain anonymous until a donation is accepted. Recipients are notified only when a donation matches their criteria.

The Center recognizes the impact this proposed bill will have in reducing food waste and food insecurity in New York City. The Center acknowledges the efforts currently underway and is eager to support the City Council in seeking additional ways to expand and improve food recovery to allow excess food to be brought to places that can serve food insecure individuals, such as food pantries, soup kitchens, or community organizations in need of food.

Recommendations and Suggestions

We recommend the following:

---

[50] Rescuing Leftover Cuisine. https://www.rescuingleftovercuisine.org/about. Accessed April 13, 2021.
[51] Sewald CA, Kuo ES, Dansky H. Boulder Food Rescue: An Innovative Approach to Reducing Food Waste and Increasing Food Security. *American Journal of Preventive Medicine*. 2018; 54(5):S130-S132. https://doi.org/10.1016/j.amepre.2017.12.006
[52] Growing Food Equity in New York City: A City Council Agenda. http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/08/growing-food-equity-1.pdf. Published August 2019.
[53]The New York City Council. Facilitating Food Donations. Int 1514-2017. https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2984602&GUID=5268FF91-55DD-4407-BF0A-53B7E330EF3E. Published September 9, 2017.
[54] DonateNYC. https://www1.nyc.gov/assets/donate/site/DonateFood/About. Accessed April 13, 2021.

- The donateNYC Food Portal should have its own distinct landing page, which also talks about and highlights the intricacies and complexities of food rescue. This would ensure that retail food outlets looking to donate food on the donateNYC Portal can do so with ease. The Food Portal is only part of the donateNYC Portal and could be difficult for those who are not technologically savvy to find and use.
- Create a more coordinated, systemized and organized way of redistributing potentially wasted food and feeding New Yorkers experiencing food insecurity. This bill and the donateNYC Food Portal are a great start; however, more can be done to coordinate food rescue and redistribution in NYC. For instance, New York City could provide detailed programs and training to retail food outlets, and even assist them with developing specific routines for food redistribution that are sustainable and go beyond posting about surplus food.
- Improve promotion and communication about the donateNYC Food Portal for both retail food stores and community organizations in need of donations. For example, NYS Department of Agriculture and Markets' food safety inspectors could be included in outreach and communication initiatives by asking them to mention the Food Portal to all retail food store managers.
- Encourage the donateNYC Food Portal to focus on hyper-local food distribution within each of NYC's 59 specific communities, connecting supermarkets to organizations within their local neighborhood. Connecting retail food outlets to the neighborhoods they serve can create a community minded effort to redistribute food and have an impact on food insecurity.
- Assist qualified food retail businesses in their ability to recover more food by offering education about liability protections, tax incentives for donations and investments in food transportation.[55]

We at the Hunter College New York City Food Policy Center stand ready to support implementation of required food rescue from retail food entities to nonprofits and other organizations that are directly feeding food insecure New Yorkers.

For more information about the Hunter College NYC Food Policy Center, visit our website at www.nycfoodpolicy.org or email Dr. Charles Platkin at info@nycfoodpolicy.org.

Thank you again for the opportunity to provide oral and written testimony.

---

[55] Berkenkamp JA. Charting the Course on Food Recovery. Natural Resource Defense Council. https://www.nrdc.org/experts/joanne-berkenkamp/charting-course-food-recovery. Published March 9, 2016.

Testimony to the New York City Council Sanitation & Solid Waste Committee:
Zero Waste Oversight Hearing
April 21, 2021

The Queens Solid Waste Advisory Board Organizing Committee is pleased to submit this written testimony that includes additional points to the joint oral testimony delivered on our behalf on 4/21/21 by a representative from the Brooklyn SWAB.

This testimony includes specific recommendations from our group about how the City can most effectively make progress toward achieving the aim of sending zero waste to landfills by the year 2030.

More than 30 years after the passage of the City's Landmark Mandatory Recycling Law and several solid waste management plans, New York City's residential recycling rate continues to stagnate at less than 20 percent, costing the City over $420 million a year for long-haul export. Yet in light of the continuing budgetary pressures caused by the COVID-19 pandemic, now is an opportune time to make a comprehensive case for zero waste, including its financial, environmental, and social benefits.

In FY19, DSNY exported nearly 3.25 million tons of residential waste from the City, higher than the 3.17 million noted in the *2015 Climate Change Blueprint* (*OneNYC*). This seminal plan included numerous policy and program aims for achieving 0x30, but did not include a clear roadmap – with quantities attached -- or deadline for diverting waste from landfills via reduction, reuse, and recycling. Likewise, DSNY's 2016 *Strategic Plan* included largely *qualitative* goals under Zero Waste, such as increasing recycling rates and facilitating partnerships to widen participation in recycling schemes, but nothing definitive, measurable, or time-limited.

DSNY's current *Solid Waste Management Plan* (SWMP) expires in 2026, and its goals principally relate to the management and export of waste, such as re-building Marine Transfer Stations and reducing land-based waste processing facilities. The next SWMP, however, which will last through 2036 – *and drafting of which typically begins years in advance* – cannot focus exclusively on building more infrastructure but must instead address reducing waste to landfill

and incineration through prevention, reuse, and recycling, all of which are key elements of a constructive and actionable zero waste policy and program.

As one of New York City's emerging Solid Waste Advisory Boards, we therefore urge DSNY to **extend and expand** the SWMP planning process outlined in Intro. 2250, both in time and scope, to ensure sufficient **community input**. We also urge DSNY to go beyond an extended menu of initiatives in favor of taking a holistic, evidence-based, and outcomes-driven approach to ensure there is clear understanding by all parties of the goals the City seeks, the parties responsible to contribute to success, and the defined actions required of all involved.

A *Plan Towards Zero Waste* going forward must present a policy package where every initiative has a deadline and quantifiable goal. To do so, this plan must include:

- existing data on quantities and characterization studies and recognition of regional waste movement to and from the Boroughs of NYC, Suffolk, and Nassau Counties, and NJ, all of which impact local capacities and health;

- analyses of current and potential waste management expenditures across all waste streams as compared to the same expenses directed toward prevention and education upstream;

- opportunities for collaboration across multiple agencies, among them DEC, DEP, DOHMH, DSNY, DOT, LIRR, MTA, and NYC Parks;

- a focus on equity and environmental justice in terms of waste impacts on overburdened communities both within the City and outside our borders;

- an emphasis on prevention, reuse, and repurposing not only for residential/municipal waste but, more urgently, the even larger mass of commercial and industrial materials currently going uncaptured;

- technology and business innovations in the private sector and government incentives and regulation that could help achieve economies of scale needed to reduce taxpayer costs and divert waste from landfills and incineration to mitigate community harms;

- legislative approaches such as Extended Producer Responsibility and industry engagement on improved product design that take the burden of responsible waste management off consumers and places it back on makers of goods to own a products' entire life cycle;

- leveraging of existing and potential community and non-profit initiatives that bring with them community good will and buy-in; and,

- placing New York City's waste management practices within the context of the larger global economy so that the City can leverage its diversity and size to model for others how a circular resource recovery landscape can be achieved.

This plan should be thoroughly budgeted, both to make the case that moving toward zero waste is financially beneficial to the City and enable long-range planning of contracts and infrastructure that ensure progress towards this goal.

Key elements of this process could include:

- ensuring integration of planning processes already under way, including the State's Climate Action Council and its priority focus on reducing greenhouse gas emissions;

- forthcoming implementation of New York City's Commercial Waste Zones;

- reconsideration of Rikers Island as an essential infrastructure opportunity; and,

- related initiatives, among them State Senate Bill S8071, which would require local solid waste management plans include methods to increase waste diversion and Senate Bill S139, which sets a goal for the state of New York to source reduce, reuse, recycle, or compost no less than 85 percent of its solid waste by the year 2031.

Many of the above go well beyond the traditional purview of the NYC Department of Sanitation. For example, both NYC Parks and the Department of Environmental Protection could play pivotal roles in locally managing the City's organic resources by re-imagining composting on public land as a communal and beneficial good to address climate change and divert the 40% of New York City's recoverable materials now going to landfills.

Another critical element of a structured planning process includes a commitment to broad, deep, and ongoing stakeholder engagement. Zero waste planning models exist in other cities, among them Boston, Austin, Vancouver, and Toronto. Many included **multi-year** stakeholder processes that yielded mutual understanding and consensus. New York City's SWMP has not always benefited from such a commitment. DSNY's capacity for undertaking this comprehensive planning should be bolstered at this juncture and not presumed.

In addition to the ongoing work of the borough-based Solid Waste Advisory Boards, now would be an opportune time to reconstruct the Citywide Recycling Advisory Board, mandated under Local Law 19 (of 1989), as a means of ensuring that ongoing public engagement. The Queens SWAB Organizing Committee supports this approach and, we hope, the incoming QSWAB, does, too.

In summary, we believe the process of planning for a Zero Waste by 2030 future, only nine years away, will require not only building a checklist of actions but also lay out for the public the essential support and commitments needed to execute them.

The QSWAB Organizing Committee, and future QSWAB, looks forward to working with the City and our fellow SWABs to support the sustainable and equitable management of waste as soon as possible. We strongly believe that the path to success is built on collaboration supported by

groundbreaking policies, even global ones, which DSNY cannot be expected to achieve on its own.

The Queens Solid Waste Advisory Board Organizing Committee

Chair: Wylie Goodman
Vice Chair: Amy Marpman
Organizing Committee Active Members: Rachel Boeglin, Cait Enz, Susan Latham, Adam Mitchell (Mr. T Carting | BIC 173), Kate Peterson, Andrea Scarborough

April 21, 2021

Council Member Antonio Reynoso, Chair,
Committee on Sanitation and Solid Waste Management
New York City Council

Re: Support for New York City Council legislation reducing waste in NYC

Chair Reynoso and Council Members of the Sanitation Committee,

ReusableNYC is a coalition of 34 nonprofits and community organizations united to eliminate the needless waste and pollution created by single-use foodware, which includes utensils, cups, clamshells, straws, and more. Many of our organizations were previously united to pass plastic bag legislation under the banner of BagItNYC.

We thank you for supporting the bills being heard today, highlighting the dire need for action to tackle the crisis of plastic pollution, and waste management in general, that is threatening human health, our environment, and disproportionately polluting communities of color.

We did not have time to officially review the bills being heard today as a coalition, but we support the concepts and applaud the Council for highlighting this important goal of reducing waste in NYC. Currently, we are officially supporting Int. 0936-2018, the straws by request bill, sponsored by Council Member Rosenthal, and Int. 1775-B sponsored by Council Member Jimmy Van Bramer.

Int. 1775-B requires restaurants, food delivery apps, and online delivery platforms to provide single use utensils, condiments, and napkins only if requested by the customer. This legislation is simple, saves restaurants money, and reduces unnecessary waste. We are calling it the Skip the Stuff bill. Both of these bills are in the Committee on

Consumer Affairs and Business Licensing, and would help eliminate needless waste. We ask that these bills move forward.

Thank you for the opportunity to speak today. The ReusableNYC coalition is available to work with the City to move these bills forward, please contact me at mgove@surfrider.org

Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation
ReusableNYC

STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL

BEFORE THE NEW YORK CITY COUNCIL

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

RE: OVERSIGHT IN GETTING TO "ZERO WASTE"

AND INTROS 844, 2103 AND 2250

April 21, 2021

Good afternoon, Chair Reynoso and members of the Committee. My name is Eric A. Goldstein and I am the New York City Environment Director at the Natural Resources Defense Council ("NRDC"). As you know, NRDC is a national, not-for-profit legal and scientific organization, active on a wide range of environmental, public health and quality-of-life issues both around the nation and right here in New York City, where we were founded in 1970. NRDC has worked for decades on solid waste issues in New York and has advocated for a transformation from primary reliance on landfilling and incineration to making recycling, composting and waste prevention the cornerstones of city waste policy in the 21st century.

Thank you for holding this hearing regarding the DeBlasio Administration's efforts to achieve its ambitious goal of sending "zero waste" to landfills. Unfortunately, the Administration's performance has not matched it promise. And without dramatic change and actions that match the admirable rhetoric, the chances of achieving anything close to zero waste by 2030 are slim indeed. Failing to achieve this milestone would be more than a blot on the Mayor DeBlasio's environmental legacy. It would represent a government-wide failure to achieve fundamental environmental policy reform. For New Yorkers, the result would be greater air pollution, increased global warming emissions and continuing environmental injustices.

The governmental intent to move New York City in the direction of "zero waste" can be traced back to 1989. That was the year the City Council enacted the landmark citywide mandatory recycling law that established curbside collection of recyclables for every city household. In that legislation, now more than three decades old, the Council expressed its intent that "the measures taken by the city must establish the most environmentally sound and economically desirable waste reduction, recycling and reuse program possible…."

But it was Mayor DeBlasio, to his credit, who formally adopted the goal of "zero waste" to landfills six years ago when he released his One New York sustainability plan. That document, published with great fanfare, set the goal of having New York City reduce by 90% the Sanitation Department-collected waste would send to landfills in 2030 (from 2005 baseline numbers). It adopted an identical goal for waste generated in New York City by businesses and industry and collected by private carters. And it set forth eight specific initiatives that when implemented would move the City closer to achieving Zero Waste, which it referred to as "a key

component of our 2025 GHG emissions reductions action plan." See City of New York, One New York: The Plan for a Strong and Just City (2015) at 176-188.

Unfortunately, except for progress on commercial waste reform and action to reduce plastic carryout bags, the City's movement on these initiatives has been scant. Indeed, the Administration's actions have actually taken the city in reverse on several important Zero Waste initiatives. The DeBlasio 2015 sustainability plan had as its #1 Zero Waste initiative to greatly expand organics collection both at curbside and with convenient drop-off locations. Instead, the Administration has ended the pilot curbside collection program, slashed funding for community composting and shank the number of drop off locations by more than a third. Initiative #4 called for enhanced recycling collections in, among other places, the New York City Housing Authority developments, where recycling opportunities and collections have historically been weak. But here too there is little real progress to report. Initiative #5 pledged to make all schools Zero Waste schools. Once again, progress has been limited and programs during the past, COVID-pandemic year were suspended. And expansion of textile and electronic waste recycling – initiative #6 -- has also been cutback. Finally, two other admittedly challenging initiatives -- for single stream recycling and save-as-you-throw collections – have not gotten out of the starting gate.

How can City Hall regain the momentum on Zero Waste in the aftermath of the COVID-19 crisis?

Here are four critical steps that the Council should take in 2021 if the City is to have any realistic chance of getting even halfway close to the 90% reduction in waste sent to landfills goal by 2030:

(1) The Council enact a new law establishing a mandatory, universal program for separated collection of food scraps and yard waste from every city household. Such an organics program would deal with the single largest portion of the municipal waste stream and divert these wastes from landfills to efficient composting and anaerobic digestion facilities and community composting sites. This would slash methane emissions from landfills and produce useful finished compost that could be distributed free to city residents and used as a natural fertilizer and soil amendment in community gardens, street tree pits and roadside beautification projects. In the short term, we need full restoration of funding for expanded community composting efforts in the FY '22 budget, and a decision to keep Big Reuse and LES in the Parks' homes. And, as the City implements the Renewable Rikers legislation, a top priority should be a vastly expanded composting facility on Rikers Island, with jobs and job training for formerly incarcerated detainees part of a restorative justice program.

(2) The Council should provide sufficient funding to ensure full implementation of its landmark commercial waste zoning legislation. This historic waste reform measure,

enacted as Local Law 199 by the Council in 2019, would create 20 separate zones for commercial waste haulers and end the current, irrational, haphazard and pollution-generating system of commercial waste collection in one fell swoop. But the program is not self-executing. And the Sanitation Department, which has been making excellent efforts to keep the program moving forward, can simply not achieve the Council's laudable goals in this area without funding for staff and resources to get across the finish line and ensure implementation in 2022.

(3) The Council should restore funding for recycling and composting collections (as well as associated public education efforts) at every public school and NYCHA development in New York City. To achieve Zero Waste goals, the city's school-age youngsters must learn how and why to recycle and compost so that these activities become second nature habits to them. Restoration of GrowNYC's educational funding is a necessary and cost-efficient investment in this effort. At the same time, jump-starting more intensive recycling and composting programs in NYCHA developments, and providing interested NYCHA residents and community non-profits with economic incentives to engage their neighbors, could reverse the city's dismal record and enhance sanitation services to these environmentally overburdened developments and their residents.

(4) The Council should advance legislation that would make plastic straws and plastic utensils available from restaurants and other food service establishments available only on request. Such legislation is one more step to reduce the ever-growing amount of single-use plastic and other waste generated in the city. It would also benefit restaurant operators by cutting their expenses. (Sensible exceptions should of course be included in the final bill to ensure that the legislation imposes no special hardships and that everyone in the disability community had access to plastic straws without difficulty.)

Finally, a few words about Intros 844, 2103 and 2250. In short, these efforts represent small steps in the right direction, although much more is needed. Intro 844 would formally establish the Zero Waste goal by 2030. Such long-term goals are all well and good. But they are wholly inadequate to drive policy change by themselves. While we support this legislative goal, we suggest that the bill be amended to set the goals as a 50% reduction in waste sent to landfills AND incinerators by 2030 and a 90% reduction in waste to those facilities by 2035. Intro 2103 would require food service establishments to post information on food donation portals when they have excess food and to arrange for transportation and distribution of this food to those in need. We strongly support this bill. Finally, Intro 2250 would have DSNY report on the city's progress in sending zero waste to landfills. We support this bill, but without the four actions outlined above, we predict that the progress reports will be very short indeed. Thank you for your attention.

Dear Councilmembers,

My name is Christine Hegel and I'm a board member of a non-profit neighborhood sustainability and redemption center called Sure We Can. In this capacity, and as a member of the Canner Advocacy Task Force and a researcher focused on how informal workers create efficiencies in waste management systems, I firstly want to express full support for INTRO 844, the City's zero waste by 2030 goal. The question is, how can this stated goal become a plan, as suggested in Intro 2250 to encourage citizen participation AND utilize the expertise and dedicated labor of all waste workers, including those who work outside the formal waste management system? Research from around the globe shows us that waste pickers, who are skilled in post-consumer materials segregation, can be the key to reaching material recovery targets. Our Zero Waste plan for resource recovery can and should be **inclusive**.

For New York City to reach Zero Waste goals by 2030, we have to think of every New Yorker as a critical node in material recovery value chains, and we need to understand that convenience is key to resource recovery. This means that every New York needs to have convenient locations to bring post-consumer materials that aren't easily processed or segregated by the DSNY or SIMS. Residents need to have convenient locations to learn critical repair skills for free so that they can reuse rather than throw away. Residents need to have convenient places to bring items that can be free-cyled - given away to others who can use them - so they don't get placed on the curb and ruined before they can be reclaimed. Citizens want to participate and the city needs to make it easy for them to do so.

To achieve Zero Waste goals, we also need to expand the capacity of the NYS Bottle Bill. This bill is responsible currently for a 70% diversion rate for single-use deposit-marked containers. Is this because every New Yorker redeems their cans and bottles to get their nickel back? No - because it's not convenient. The vast majority of residents will not take the time or expend the energy to carry their cans and bottles back to the grocery store to redeem them because they will have to stand in line outside to use a reverse vending machine. But for poor New Yorkers, redeeming bottles and cans can be a lifesaver. Those who do this work - canners - make this system worthwhile. Their work benefits New York City while also providing vital income.

I want you to support public funding for non-profit redemption and sustainability centers like Sure We Can. We educate the public about recycling, upcycling, and reuse. We make bottle redemption easy and convenient for canners and non-canners alike. Every day we reinforce the message that recycling, reuse, and repair are dignified activities that everyone can participate in to protect our shared environment.

I ask for your support for the capital funding request by Sure We Can to continue and expand our work to build a circular economy.

Thank you,

Christine Hegel

Board Member, Sure We Can
Member, Canner Advocacy Task Force
Associate Professor of Anthropology, Western Connecticut State University
Resident of NYC District 36

April 19, 2021

New York City Council – Sanitation Committee

April 21, 2021 Hearing:
Int. No. 2250 – Goal of zero waste to Landfill.

Good morning Chairman Reynoso and committee members. I am Walter Dogan, President of Brinkerhoff Action Association, a civic organization residing in Southeast Queens, Community Board 12(CB12). Our civic organization is within a half of a mile radius from two waste transfer stations that reside on Douglas Ave. and Liberty Ave in Jamaica, Queens.

I am here today representing the Brinkerhoff Civic as well as Addisleigh Park Civic, St. Albans Civic and The Greater Triangular Association.

Thank you for giving me the opportunity to testify on the proposed legislation whose goal is to require the Department of Sanitation (DOS) to report on the city's progress toward sending zero waste to landfills. Local Law 152, the Waste Equity Law that passed in August of 2018 were the beginning steps of this initiative as the legislation meant a reduction in the permitted capacity waste allowed at facilities in districts that were deemed "overburdened", such as my community of Southeast Queens CB 12. Although the law meant a reduction of the putrescible waste by thirty three percent (33%). In actuality the reduction was nine percent (9%) based on the data listed from DSNY's report that the stations transported 1737 tons per day on average in the year 2019. The post LL152 capacity has been reduced to 1581 tons of putrescible waste allowed on a daily basis. Our community welcomes the reduction and even more welcomes the cap that will not allow the putrescible waste coming into our community to be increased. It is our belief that the legislation accomplished it goal.

Although the Waste Equity bill has passed and now the Commercial Waste Zone bill has passed, there is still a need to improve the operations of the existing transfer facilities that exists in my residential area (M1 zone). The operator of those facilities must better manage leachate generation, dust control and elimination of noxious fumes that emanates from the facility because the facility is not fully enclosed. We were recently informed that there are plans to demolish the existing buildings and to replace and build three new waste management and recycling facilities. While we welcome the news of a new facility we are concerned that the cap that was placed due to the Waste Equity bill will be compromised and possibly lifted. The purpose of LL152 was to reduce the amount of waste coming into an overburdened Environmental Justice (EJ) community and that needs to remain. Any increase in allowed capacity besides being a hazard and a burden to nearby residences, would be a contradiction to the goal of zero waste to landfills. Thank you again for your time and attention.

Walter Dogan
Brinkerhoff Action Association
President

N Y L P I

New York Lawyers
For The Public Interest, Inc.
151 West 30th Street, 11th Floor
New York, NY 10001-4017
Tel 212-244-4664 Fax 212-244-4570
TTY 212-244-3692 www.nylpi.org

Testimony of Melissa Iachán at New York City Council Committee on Sanitation and Solid Waste Management Oversight Hearing on Zero Waste Dated April 21, 2021

Good morning, my name is Melissa Iachán, and I am Senior Supervising Counsel in the Environmental Justice Program at New York Lawyers for the Public Interest. I am here representing NYLPI to underscore the importance of ensuring that our City diverts waste from landfills and incinerators, supports and expands diversion programs including education and outreach programs, and continues to make the necessary investments in a robust organics program to begin to make a dent in the damage our massive waste stream has done to environmental justice communities, but also to our planet as a whole.

We are here today, a day before Earth Day, to shed light not only on the tragic failures of our City government to take even modest steps towards putting us on a path towards zero waste, but to highlight and demonstrate how uncomplicated and practical policies could make a critical difference to combatting climate change. As a preliminary matter, we want to express our strong support for the bills being heard today, Intros 844, 2103, and 2250, which together provide concrete goals and ways the City can begin to right the wrongs of us collectively being responsible for sending an average of 3.2 million tons to landfill and incineration on the residential side, plus another 2.5 million tons on the commercial side.

There are many feasible and achievable policies that the City should begin to implement immediately in order to get us on the path to Zero Waste. In particular, the "three Rs" should always guide our waste policy—Reduce, Reuse, Recycle.

Reduce: Practical Waste Reduction Policies

- Intro 2103: Food Donation: This important legislation advances the goal of ensuring that edible excess food is donated. This is particularly important given how COVID illuminated how prevalent food insecurity is in our City. We absolutely must do all we can to ensure that edible food does not end up in landfill.

- Save As You Throw: We urge the Council and administration to consider implementing financial incentives for residences—including multi-family homes—who consistently source separate recyclables. These policies have been proven to reduce landfill-bound waste significantly in other jurisdictions employing it, and should be utilized in NYC.
- Skip the Stuff: The Council has not yet heard another important piece of waste reduction legislation—Intro 1775-B, which mandates that plastic utensils and single-use condiments be opted into for takeout and delivery food service, rather than automatic. We urge the Council to calendar a hearing on this bill which represents another step towards reducing our reliance on single-use plastics, a major source of pollution in our waste stream.
- Plastic straw on request: The legislation mandating that plastic straws be provided only upon request has been languishing in this Council for almost three full years. We are aware that Intro 936 has been amended to account for concerns expressed by the disability rights community, and urge the Council to pass the amended legislation in short order, which is yet another avenue of reducing a harmful single-use waste stream.

Reuse Incentives

- Various local and state governments have found that funding community repair and reuse programs—including broad educational services—does result in behavior change. Further, the City Council should explore ways to incentivize reuse beyond simple donation tax deductions and Save As You Throw.

Organics Recycling and Community Composting:

- We know that organic waste releases one of the most potent greenhouse gases, methane, in high concentrations as it decomposes in landfill. We also know that organic waste moving through truck-intensive transfer stations in EJ communities represents more than one third of that waste stream, and contributes to the worst nuisance conditions for residents who live near those facilities. It is incumbent on the City to ensure that organic waste is taken out of our landfill and incinerator-bound waste and instead used beneficially.
- Universal Curbside Organics Recycling Service: We at NYLPI cannot underscore how important it is to ensure that our City offer curbside organic

waste recycling services to every resident in every borough. We joined with our fellow advocates lamenting the suspension of the voluntary brown bin program, but we also know that the program was flawed. Rather than offering a voluntary piece meal service only to certain residents—many who don't even know whether they are eligible, the City must immediately begin plans to phase in mandatory universal curbside compost collection with the goal of requiring every household—including multifamily homes—to source separate organic waste for collection.

- Equitably-Sited Community Compost Throughout All Boroughs: Much like access to the now-suspended brown bin composting program, only certain communities in certain areas have access to local Food Scrap Drop Offs or community-based compost sites who accept such scraps. We endorse the CORE Act, and look forward to seeing the Council pass this legislation that has equitable access as its operating principle. We further urge the Committee to advance legislation that begins to address the issue of equitable access to city land for compost processing for small scale organizations who do this work to engage, educate, and green their neighborhoods.
- Protect and Preserve Compost Processing Sites: in the same vein, the City must ensure that those essential organizations who have been filling the gap of collecting and processing organic waste so that it can continue to be diverted from landfill, at least in part, be protected, supported and sustained. The current predicaments of imminent eviction by the City faced by three of the primary non-profit Compost Project partners—Big Reuse, the Lower East Side Ecology Center, and Earth Matter—is unnecessary and downright wrong. The City should ensure that these and other community-scale compost organizations who are beloved by their neighbors and communities always have a place in which to operate, educate, and enrich, especially on and within NYC Parks Land.
- Expand Municipal Organics Processing Via Renewable Rikers: We are thrilled that the City passed and enacted the Renewable Rikers Act into law. According to the Law, as soon as this summer, the City can begin to transfer land and property from DOC for DSNY's use to establish and expand organic waste processing capacity on the Island, with the goal of a large processing operation that can one day receive source-separated organic waste via barge, eliminating the need for polluting truck transport.

Commercial Waste Stream: Ensure Ambitious Commercial Waste Zone System With Diversion Requirements & Accountability

- For far too long, the commercial waste industry has gotten away with failing to keep recyclables separated by generators separate, and commingling source-separated organic waste with other trash, sending all of this to landfill. For most of the last decade, our Transform Don't Trash NYC coalition has pointed out how harmful the lack of compliance with, accountability for, and enforcement of diversion requirements in the commercial sanitation sector are. Finally, we have an opportunity to fix this.
- Discounts for recycling and organics services in CWZ
- Penalize waste haulers and facilities, not just generators

Finally, we all know that the City's recycling rate lags behind almost every other major city's in the U.S. at 18%. At this point in time, with recycling having been firmly ensconced in our City's psyche for decades, that is simply unexcusable. We must do more to ensure that recycling enforcement is increased to adequately penalize those who, despite the prevalence and ease of separating recyclables, continue to lag behind. And we must not stop funding and supporting education regarding recycling for all ages and all boroughs in our City. We also know that recycling creates more than twice the jobs than traditional landfill bound sanitation. As though environmental and climate justice weren't reason enough to ensure expansion of recycling, then the creation of good green jobs will hopefully seal the deal.

We are so grateful for the leadership of Chair Reynoso in continuing to highlight the serious issues surrounding our City's waste processing and management. We look forward to continuing our work together to ensure that no time is wasted in setting us on an efficient and effective path to real waste reduction.

Thank you.