

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION
AND SOLID WASTE MANAGEMENT

Jointly with the

COMMITTEE ON SMALL
BUSINESS

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Wednesday, February 22, 2023

Start: 10:05 a.m.

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HELD AT: Council Chambers - City Hall

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Julie Menin, Chairperson

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A P P E A R A N C E S (CONTINUED)

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350NYC

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
Jointly with the COMMITTEE ON SMALL BUSINESS

5

1
2 Good morning and welcome to today's New York City
3 Council hearing on the Committee on Sanitation and
4 Solid Waste Management jointly with Small Business.
5 At this time, we ask that you silence all cell phones
6 and electronic devices to minimize disruptions
7 throughout the hearing. If you have testimony you
8 wish to submit for the record, you may do so via
9 email at testimony@council.nyc.gov. Once again, that
10 is testimony@council.nyc.gov. We thank you for your
11 cooperation. Chair, we are ready to begin.

12 Thank you.

13 CHAIRPERSON NURSE: Good morning, everyone.
14 Thank you all for being here. Thank you to
15 Sanitation commission-- Committee members and Small
16 Business Committee member, Councilmember Ung, for
17 being here. Thank you, DSNY Commissioner, Jessica
18 Tisch, Deputy Commissioner Greg Anderson, Deputy
19 Commissioner Robert Olan -- No? Okay, sorry about
20 that -- and waste advocates and workers for joining
21 us today. Welcome to the first Sanitation Committee
22 hearing of 2023 held jointly with the Committee on
23 Small Business. Today we will be focusing on how the
24 administration is working to prepare New York City
25

1 businesses for the implementation of commercial waste
2 zones.

3
4 New York City often fails to do adequate
5 education, awareness, and outreach when rolling out
6 major changes, and as Chair my oversight focus this
7 year will be on timely and effective rollout of the
8 CWZ plan.

9 The success of this long-fought-for reform of the
10 private waste sector is critical for the environment,
11 labor rights, and safety across our city.

12 In 2014, advocates, former Councilmember, and now
13 Brooklyn Borough President, Antonio Reynoso, also
14 former sanitation Chair, and the de Blasio
15 administration began a complete overhaul of the
16 massive commercial waste industry.

17 As a refresher on the private waste sector and
18 why this is so important: More than 3 million tons
19 of commercial waste is generated every year by
20 100,000 New York City office buildings retailers,
21 restaurants, manufacturers, and other commercial
22 establishments. About 90 different private carters
23 truck commercial waste across the boroughs, racking
24 up diesel truck miles and bring waste to facilities
25

1 across the city, primarily in North Brooklyn,
2 Southeast Queens, and the South Bronx.

3
4 The commercial waste sector employs more or less
5 about 2600 workers. Some workers spend eight-hour
6 shifts and loaders and excavators moving waste around
7 inside transfer facilities. Some spend their day
8 standing at a conveyor belt, picking out non-
9 recyclable material. Some work long, unpredictable
10 nights where they cross multiple boroughs jumping in
11 and out of trucks repeatedly to pick up trash no
12 matter the weather, no matter the conditions they
13 find at each client. These workers are exposed to
14 all types of smells, lots of industrial elements on
15 their shifts, and in the past, their efforts to
16 collectively bargain for their safety and improved
17 working conditions have been met with fake unions and
18 obstructions. The CWZ is meant to increase their
19 safety and their organizing power.

20 The commercial waste zones reform is also pro
21 small business. In the past, it was reported that
22 61% of New York City small businesses do not have a
23 contract with their waste hauler. Most companies
24 have very little knowledge of how much waste they
25 produce. Ninety percent of small businesses pay a

1 flat rate for garbage collection, regardless of how
2 much waste they create, and this leaves small
3 businesses with almost no leverage for negotiating
4 contracts, switching haulers or getting more services
5 such as organics recycling. Small businesses also
6 can face disproportionately higher price rates than
7 larger ones, and are often subject to unpredictable
8 price hikes.
9

10 Commercial Waste Zones will improve transparency
11 and accountability for our communities who are tired
12 of seeing dirty streets. When haulers leave waste
13 strewn across sidewalks and streets, there is no
14 accountability for picking it up, because so many
15 carters come through each neighborhood. Less carters
16 per street will increase accountability. This will
17 allow community boards, elected officials and BIDs to
18 hold carters accountable when these unfortunate
19 moments happen.

20 The CWZ is important for our sustainability and
21 environmental justice goal. Aging commercial waste
22 trucks represent a major source of greenhouse gas
23 emissions in our city. Roughly 1100 commercial
24 diesel-powered trucks crisscross the boroughs every
25 single night. They queue near waste transfer

1 facilities in predominantly black and brown
2 neighborhoods, spewing toxic fumes in these
3 concentrated areas. When implemented Commercial
4 Waste Zones is expected or anticipated to cut truck
5 vehicle miles by 50 percent and reduce greenhouse gas
6 emissions by around 40 to 60 percent.
7

8 The CWZ reform is also about pedestrian safety.
9 The hyper-competitive nature of the current
10 commercial waste system means workers are
11 compromising traffic safety protocols during night
12 collections in order to meet their collection targets
13 on time. This has resulted in pedestrian fatalities
14 and severe injuries, including pedestrians being
15 dragged by trucks. This system has led to 56
16 fatalities involving trade waste truck accidents
17 since 2010.

18 I share these environmental worker and pedestrian
19 stories as a reminder of the immense amount of
20 advocacy, work, and personal investment many
21 individuals, families, and organizations put into
22 this once-in-a-generation transformational reform.

23 The Transform Don't Trash Coalition, made up of
24 union workers, environmental justice leaders,
25 environmental advocates, Family For Safer Streets,

2 along with the Brooklyn Borough President Antonio
3 Reynoso, former DSNY Commissioner Catherine Garcia,
4 and our former mayor, they all worked together to get
5 Local Law 199 over the finish line, and we remain
6 committed to ensuring its success.

7 We can all recognize, and I certainly appreciate,
8 that such a massive reform involving many moving
9 parts takes time and will inevitably run into bumps.
10 We all recognize that the pandemic has forever
11 changed our city, including the volume and pattern of
12 where waste is generated in New York. However, I
13 don't agree that we only have one chance to get this
14 right. We will continue working on it until it
15 works, because going backwards is not an option. And
16 I am ready, willing and able to do anything I can do
17 in this role to support.

18 Today, we're also hearing two bills and a
19 resolution.

20 Intro 933 would create a Commercial Waste Zones
21 working group for ensuring key stakeholders are
22 engaged in ongoing conversations about the CWZ
23 implementation. Intro 493 would require DSNY to
24 establish a plan for accepting commercial solid waste
25 at city-owned marine transfer stations. This is a

2 long overdue environmental justice and waste equity
3 project. The 2006 solid waste management plan called
4 for DSNY to study the feasibility of utilizing the
5 city's marine transfer stations to collect commercial
6 waste. The CWZ RFP also invited waste companies to
7 express interest in utilizing MTSs in their future
8 waste management operations.

9 We're also hearing Resolution 167 calling upon
10 the New York State legislature to pass, and the
11 governor, to sign the Bigger Better Bottle Bill.
12 Over its 40-plus year history. New York's Bottle
13 Bill has proven to be a highly effective program to
14 reduce litter and increase recycling rates, not to
15 mention sustaining an entirely underappreciated set
16 of environmental workers known as canners.

17 It's time to modernize the program by expanding
18 the types and number of beverage containers covered,
19 and by increasing the deposit amount. A modernized
20 high-performing bottle bill would also save us money
21 by decreasing the cost of sending aluminum, plastic,
22 and glass beverage containers to landfills and
23 incinerators. This is a critical update that will
24 move us closer toward our zero-waste goals. And I
25

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
Jointly with the COMMITTEE ON SMALL BUSINESS 12

2 want to thank the co sponsors so far for their
3 support.

4 As always, I want to thank Annel, Mohamad, Ricky,
5 Andrew, the tech team and all the staff today working
6 behind the scenes. I want to acknowledge
7 Councilmember Sandra Ung, Councilmember Selvena
8 Brooks-Powers, Councilmember Chi Ossé.

9 And now I will turn it over to my Co-Chair for
10 this hearing, Councilmember Julie Menin, Chair of the
11 Small Business Services Committee for her opening
12 statement.

13 CHAIRPERSON MENIN: Thank you so much. Good
14 morning. I'm Councilmember Julie Menin, Chair of the
15 Committee on Small Business. Thank you for joining
16 today's joint hearing with the committee on sanitation
17 as well as Small Business.

18 I first of all want to begin by thanking my Co-
19 Chair, Councilmember Sandy Nurse, Chair of the
20 Sanitation Committee for her incredible work putting
21 together today's hearing. And I also want to thank
22 all of our colleagues who have joined us today.

23 Commercial Waste Zones have been a long time
24 coming. After testimony from a 2015 Sanitation
25 committee hearing, as well as subsequent studies by

2 the Department of Sanitation, as well as the Business
3 Integrity Commission, which I previously served as a
4 commissioner on, revealed the dangerous state of the
5 private carter industry. The necessity of revisiting
6 what waste collection looks like in New York City
7 became abundantly clear.

8 Under the current method of waste collection
9 roughly 90 different private carters service over
10 100,000 of the city's commercial businesses, resulting
11 quite frankly in unsafe routes that dramatically and
12 detrimentally affect communities and workers. This
13 method of collection also results in minimal price
14 transparency for businesses, and small businesses are
15 often inequitably burdened, paying more than their
16 larger counterparts that produce more waste.

17 In response to these concerns, the council passed
18 Local Law 199 and 2019, creating a Commercial Waste
19 Zone program. Under this law, the Department of
20 Sanitation has identified 20 waste zones that will
21 each be served by up to three selected carriers. The
22 Department of Sanitation must implement these
23 Commercial Waste Zones in a manner that is
24 environmentally efficient, that is safe for
25 communities that is safe for private carter workers,

2 and we must all work together to ensure that
3 businesses do not suffer a reduction in service
4 quality or increased pricing as has been the concern
5 shared by DSNY as well as small business owners.

6 Intro 493 and Intro 933 presented today by
7 Councilmember Nurse are also key for ensuring that the
8 implementation of Commercial Waste Zones is closely
9 monitored in order to quickly address issues and adapt
10 this important program accordingly.

11 I look forward to hearing testimony today from the
12 Department of Sanitation with updates on the
13 Commercial Waste Zones, and how they plan to help
14 prepare carters and businesses for its implementation.

15 I similarly look forward to hearing from small
16 businesses, from advocates on this topic as well, and
17 responses to the legislation that is being proposed
18 today.

19 I want to thank Ricky Chawla. I want to thank
20 Kristoffer Sartori and Rebecca Barilla from central
21 staff for their work and putting together today's
22 hearing, as well as my own Chief of Staff, Jonathan
23 Szott, and my legislative director Brandon Jordan for
24 their assistance.

2 I now turn it back over to Councilmember Nurse.

3 Thank you.

4 CHAIRPERSON NURSE: I'll turn it over to
5 Committee Counsel for the oath.

6 COUNSEL SARTORI: Thank you, Chair. Kris
7 Sartori, Committee Counsel.

8 Do you affirm to tell the truth, the whole truth
9 and nothing but the truth in your testimony before
10 these committees and to respond honestly to
11 Councilmember questions?

12 COMMISSIONER TISCH: I do.

13 DEPUTY COMMISSIONER ANDERSON: I do.

14 FIRST DEPUTY COMMISSIONER LOJAN: I do.

15 COUNSEL SARTORI: Thank you.

16 CHAIRPERSON NURSE: Okay, great. I'm also
17 excited that we have a mini Councilmember here this
18 morning. I think it's a first for me. So we're
19 going to-- we're-- the topics we're going to cover:
20 We'll first talk about CWZ implementation, get an
21 update on that. We'll talk about the budget needs.
22 We'll talk about small business engagement and
23 outreach plans. And then commercial organics law.
24 But I'd love to hear your opening statement.

25

2 COMMISSIONER TISCH: Good morning Chair Nurse and
3 members of the City Council Committees on Sanitation
4 and Solid Waste Management, and Small Businesses. My
5 name is Jessica Tisch, and I'm Commissioner of the
6 New York City Department of Sanitation. I am joined
7 today by Javier Lojan, our newly appointed First
8 Deputy Commissioner, and Gregory Anderson, Deputy
9 Commissioner for Policy and Strategic Initiatives.
10 Thank you for the opportunity to testify today on
11 DSNY Commercial Waste Zones program.

12 In 2019, after years of advocacy, and to great
13 fanfare, New York City enacted a sweeping reform of
14 the commercial waste industry, the patchwork of
15 private waste haulers who pick up refuse, recycling,
16 and compostable material from every single one of the
17 city's businesses.

18 This reform enacted in Local Law 199 of 2019,
19 also called Local Law 199, and referred to as
20 Commercial Waste Zones, introduces a new regulatory
21 framework for this industry. In this approach, there
22 will be no more than three haulers serving each of 20
23 zones across the city, down from dozens of haulers in
24 some neighborhoods today. This program will also
25 deliver meaningful upgrades in safety and worker

2 protection, emission standards, and public reporting
3 that will yield real tangible improvements for
4 neighborhoods across New York City. Commercial Waste
5 Zones means fewer trucks, more safety, cleaner air.

6 I am committed to implementing this program, and
7 more importantly to doing it right. The Department
8 has spent eight years working with stakeholders
9 carters, consultants, advocates, and the City Council
10 as you described to create the framework for this
11 program. I have had the privilege of coming into
12 this process at the implementation phase. It is my
13 honor, and my responsibility to push this over the
14 finish line.

15 Today we have made major steps forward in the
16 request for proposals process to select which carters
17 will service which zones. However, this is not
18 something that we can implement overnight or with the
19 flick of a switch. The system we are putting in
20 place should be with New York City for decades to
21 come. In my opinion, we have one chance to do this.
22 And it's worth taking the time to ensure that we get
23 it done right. Businesses in New York City generate
24 20 million pounds of waste a day, seven days a week.

2 If you get that wrong, that's called a public health
3 crisis.

4 My team and I together have decades of experience
5 implementing some of the most complex and impactful
6 new programs in the realms of cleanliness, service
7 delivery, public health, policing, and technology
8 that this city has seen. Together, we have managed
9 billions of dollars worth of complex services
10 contracts. We have the tools to execute on
11 Commercial Waste Zones, and we will.

12 Local Law 199 began based on years of advocacy
13 from a coalition of labor, environment, and safety
14 advocates, calling for reform of the dangerous and
15 dirty commercial waste sector. These advocates have
16 paved the way for this program for over a decade,
17 first pushing the de Blasio administration to study
18 the industry in 2015, and later to announce a full
19 fledged plan for Commercial Waste Zones and 2018.

20 It's only because of their work that we can have
21 this conversation today. The Commercial Waste Zones
22 program aims to bring order to a chaotic system, one
23 where hundreds of private carting trucks crisscross
24 neighborhoods across New York City every night.

25 Today, one truck may serve as a shop in the Bronx, a

1 restaurant in Queens and a grocery store and in
2 Brooklyn, driving over 100 miles over the course of
3 as many as 12 hours, creating unnecessary truck
4 traffic, safety hazards, and pollution. And on one
5 commercial corridor, more than a dozen different
6 trucks may drive up and down the block on a given
7 night.
8

9 The Commercial Waste Zones approach brings order
10 and accountability to commercial waste. By allowing
11 up to three carters to service each of the 20 zones,
12 the program will reduce the overall truck traffic
13 associated with commercial waste collection by fifty
14 percent. In dense commercial districts and around
15 waste transfer stations, these reductions will be
16 even more pronounced. Reductions in truck traffic
17 will also yield meaningful improvements in public and
18 worker safety. Shorter routes mean less driver
19 fatigue and fewer incentives to cut corners, and will
20 reduce greenhouse gas and air pollution emissions.

21 Introducing this new regulatory approach also
22 allows the city to achieve meaningful improvements in
23 several other areas. New worker training and safety
24 requirements will ensure that private sanitation
25 workers are properly equipped for the dangerous job

2 that they carry out each night. The new system will
3 also nearly double the commercial diversion rate for
4 recyclables and organic waste by requiring that
5 carters actually provide these services and offer
6 their customers incentives to recycle. And it will
7 improve transparency and quality of service for the
8 more than 100,000 businesses, large and small, that
9 rely on commercial waste collection services.

10 This program will improve quality of life in city
11 neighborhoods through new accountability and
12 reporting tools that will allow DSNY to hold bad
13 actors accountable. For the first time, we will have
14 a clear picture of how the system is operating, and
15 which carters serve which customers, as well as real-
16 time location data on commercial trucks.

17 This is a game changer for enforcement, and
18 something that has proven instrumental for internal
19 operations management within DSNY. Now New York City
20 is not the first city to take this approach.

21 Franchise collection is common in smaller cities and
22 towns across the United States, mostly in places
23 where dumpster collection is the norm. Los Angeles
24 implemented a similar zone system in 2017, creating
25 11 zones, each with just one carter authorized to

2 serve as commercial and multifamily customers in that
3 zone. The initial implementation of the Los Angeles
4 program was nothing short of a disaster. Prices more
5 than doubled for some customers, who submitted more
6 than 6000 service complaints in just one month in
7 December 2017, and the program manager called it six
8 months of hell. The City Council and sanitation
9 department faced lawsuits and calls to scrap the
10 program entirely. Los Angeles spent the next two
11 years renegotiating contracts, changing requirements,
12 and working with both customers and carters to
13 stabilize that system. While that program now works
14 more smoothly, we certainly do not want to repeat
15 these mistakes in New York City.

16 DSNY learned a few important lessons from Los
17 Angeles. First, we must be keenly aware that massive
18 downstream price increases for customers will be the
19 death knell for commercial waste reform. Los Angeles
20 created ambitious targets that it expected carters to
21 meet very quickly, rather than phase in over time.
22 They did not put in place thoughtful contracts at the
23 outset of the program, carters took advantage of a
24 new list of fees to drive up customer bills. Los
25 Angeles also looked at the commercial waste sector as

1 a new source of city revenues, charging a franchise
2 fee of 10 percent of revenues. (As I will describe,
3 we have taken several steps to reprioritize low
4 prices in our approach.) Second, the Los Angeles
5 program eliminated any element of choice for
6 businesses by creating monopolistic exclusive zones.
7 DSNY has designed a non exclusive model with multiple
8 carters authorized to service customers in each zone.
9 This creates competition amongst carters in each
10 zone, and gives customers the ability to pick the
11 carter that provides the price and the service that
12 works best for them.
13

14 Third, Los Angeles implemented the entire program
15 at once transitioning every customer overnight.
16 Carters did not have a clear picture of which
17 customers they were expected to service and some
18 carters went weeks without trash pickup. Excuse me,
19 some customers went weeks without trash pickup. DSNY
20 plans to implement Commercial Waste Zones in a phased
21 rollout, starting with just one pilot zone, to have
22 time to conduct education of customers and ensure
23 that they have time to select a new carter that works
24 for them.
25

2 Since the enactment of Local Law 199, DSNY has
3 worked to implement the Commercial Waste Zones
4 program. The department moved quickly to begin
5 rulemaking and start work on an RFP. However, the
6 COVID pandemic and associated stay-at-home orders
7 decimated the commercial waste sector, reducing waste
8 volumes and revenues by 50 to 70 percent. At that
9 time, DSNY paused the implementation of this program
10 to allow the industry to stabilize and begin to
11 recover. In recognition of the ongoing impact of the
12 pandemic on the city's economy, DSNY decided to take
13 a vote phased approach to the RFP required by Local
14 Law 199 to select carters to provide service in each
15 zone. In November 2020, exactly one year after the
16 laws enactment, the Department issued the first part
17 of the RFP to collect information from potential
18 awardees on their existing operations and their
19 compliance history. In June of 2021 DSNY announced
20 50 carters had submitted response proposals for part
21 one of the RFP. In November of 2021, the Department
22 issued the second part of the RFP to collect more
23 detailed pricing and technical proposals, along with
24 updated financial and compliance data. To meet the
25 laundry list of requirements in Local Law 199, this

1 RFP was incredibly detailed. Carters were expected
2 to submit plans related to customer service, zero
3 waste health and safety, emergency operations, waste
4 management, air pollution reduction, subcontracting,
5 and outreach, along with detailed financial business
6 and compliance information covering several years of
7 operations.
8

9 This is important and valuable information.
10 However, it means hundreds or thousands of pages of
11 submissions from each Carta, including information
12 that has to be validated against previous
13 submissions, publicly available data and other
14 sources.

15 Looking at the experience from Los Angeles and
16 other systems, we know that commercial waste
17 regulations face two existential threats that must be
18 managed. First is massive downstream increases in
19 cost to businesses, and the second is litigation that
20 stalls implementation.

21 When I started as Sanitation Commissioner last
22 April, I immediately took a deep dive into Commercial
23 Waste Zone program and the RFP with these threats in
24 mind.
25

1 I cannot guarantee that those challenges will not
2 affect the implementation of this program. What I
3 can guarantee is that I am doing everything in my
4 power to mitigate any challenges to, and arising
5 from, the implementation of this program that could
6 threaten decade's worth of advocacy.
7

8 On price, we dug into previous analysis on new
9 costs associated with increased regulation. We also
10 made an adjustment to the RFP evaluation criteria to
11 give price the highest scoring weight, sending a
12 clear message to potential proposers that we are
13 serious about keeping prices under control, and we
14 realigned incentives for recycling and organics with
15 a real world understanding of the costs of providing
16 those services. While I cannot guarantee that these
17 changes will allow us to entirely avoid price
18 increases, I am confident that we took reasonable
19 steps to work toward that goal without sacrificing
20 our commitments to safety and worker protections

21 On potential litigation, we have emphasized
22 creating a fair and competitive process that follows
23 the letter of the city's procurement rules and
24 procedures. Following an initial review of the RFP
25 responses, we issued a request for best and final

1 offers, a best practice in procurements to ensure
2 that you are getting the highest quality service for
3 the best price. This allowed proposers to have
4 another chance to refine their proposals, to ensure
5 that they submit the full set of documents required
6 and meet the requirements of Local Law 199. This
7 also ensures that we have as many proposals as
8 possible move into the evaluation phase, increasing
9 competition to keep prices low. Since the due date
10 for the BAFO on November 10, 2022, we have conducted
11 a careful painstaking review of the submissions,
12 which number in the dozens and can exceed 1000 pages
13 each. DSNY completed its review of the proposals for
14 completeness and did not eliminate any proposers for
15 technical errors or fixable flaws.

17 The evaluation committee for the RFP has begun
18 reviewing the proposals, a substantial milestone in
19 this important procurement process.

20 Going forward, there are several steps,
21 evaluation and scoring of the proposals by the
22 committee negotiating contracts with selected
23 awardees, and approval of the contracts by oversights
24 and the controller. Each of these steps for just one
25

2 contract typically takes months, not weeks. And here
3 we are talking about up to 65 different contracts.

4 When complete, this will represent the single
5 biggest change to the city's waste management efforts
6 since the opening of the marine transfer stations
7 decades ago. Just one contract for waste export from
8 the marine transfer stations, from RFP to award, took
9 a full two years and seven months. When DSNY
10 released part two of the RFP at the end of the last
11 administration in November 2021, it indicated that
12 implementation was expected to begin in early 2023.

13 Given the complexity of the RFP, and the amount
14 of care and attention required to complete this
15 process, this timeline was unrealistic. I am
16 committing to you today to give you frank, realistic
17 expectations of timeline and process going forward.

18 Based on where we stand now, we expect that the
19 first pilot zone will be implemented in the second
20 half of 2024. I reserve the right to adjust that
21 timeline, but I assure you that I will provide
22 regular updates as the procurement rules permit.

23 Now I will overview our implementation efforts.
24 Within the Bureau of Commercial Waste. Staffing has
25 increased from 13 to 17 people since I started last

2 April, and we have another three positions actively
3 posted. This will bring us to a total of 20 civilian
4 staff dedicated to this program. We added 10
5 additional sanitation police officers as part of our
6 most recent academy class that graduated earlier this
7 month, and those officers will be dedicated to
8 commercial waste enforcement as soon as the program
9 begins implementation. This means staffing dedicated
10 to Commercial Waste Zones has more than doubled.

11 We have also brought on a new executive director,
12 Frank Marshall, who has decades of experience in
13 program management. He's here in the room today,
14 Frank wave please. But he is not able to join us at
15 the table today, given his role in evaluating the
16 proposals.

17 As we move forward, we will continue to assess
18 staffing needs for implementation and ongoing program
19 management and work with OMB to meet those needs.

20 But this isn't about the work of just one bureau.
21 We are taking a department-wide approach to this
22 program. We have built a program management office
23 to bring executive level leadership and experience in
24 project management to this complex agency-wide
25 program. This team has put in place new systems and

1 procedures to keep these programs on track, aligned
2 with our strategic priorities and on budget. We are
3 bringing talented IT resources to design the data
4 management systems that will form the backbone of our
5 contract management and enforcement. We are working
6 to fix a system that, while built with good
7 intentions, was not initially fit for purpose.
8

9 This team is creating a system that will be easy
10 for carters to use, and this is the first time that
11 we will have the opportunity to collect this data and
12 we need to do it right.

13 Most importantly, we have created a centralized
14 outreach team led by an experienced Assistant
15 Commissioner for Outreach to create an implement
16 strategies for outreach around agency priorities
17 including set out times, organics, and of course
18 commercial waste. Ahead of the implementation of
19 this program, we will engage businesses across the
20 city through a strategic zone-by-zone approach. We
21 aim to reach over 100,000 business owners through in
22 person canvassing, phone calls, and direct mail to
23 educate and assist customers during the zoning
24 transition period.
25

2 We are also securing a vendor to conduct the door
3 to door canvassing in each of the new zones. That
4 vendor will be in place long before implementation
5 starts next year. The outreach associates'
6 canvassing efforts will include all types of
7 commercial establishments, including office
8 buildings, retail, restaurants, industrial uses,
9 hotels and hospitals, among so many others.

10 In addition to the direct outreach to business
11 owners, we will engage community partners including
12 BIDs, trade associations and civic associations, as
13 well as our partners in government through training,
14 presentations, email blasts, and more to amplify our
15 multi-pronged awareness campaign. I have already
16 been in touch with SBS Commissioner Kim on this
17 matter. Our outreach reach strategy will emphasize
18 language access and providing simple, clear
19 information to businesses in the language and the
20 format that works best for them in accordance with
21 Local Law 30.

22 As I mentioned, we expect to begin implementation
23 with one pilot zone in the second or third quarter of
24 2024. Outreach will begin in the months preceding
25 implementation and will continue through the full

2 four-month transition period. Additional phases of
3 implementation will follow the first pilot zone and
4 we expect the full implementation to take about two
5 years.

6 Finally, I will briefly address the two bills on
7 the agenda for today's hearing. Intro 493 would
8 require the department to establish a plan for
9 accepting commercial solid waste at city-owned marine
10 transfer stations and to report annually on the
11 implementation of that plan. The city's 2006 Solid
12 Waste Management Plan anticipated that the city
13 marine transfer stations, or MTSS would potentially
14 be used for commercial waste, where surplus capacity
15 exists. Only two transfer stations have additional
16 available capacity today: the East 91st street and
17 southwest Brooklyn, MTSS. There are costs that come
18 with this approach, both for DSNY and for commercial
19 carters. To accept commercial waste, we would have
20 to add additional city and vendor staff to process
21 waste on a third shift overnight.

22 In addition, our export contracts with
23 substantial built-in redundancy and an emphasis on
24 rail and barge export are not cheap. We have to
25 acknowledge that our facilities may not be

1 competitive with private transfer stations in New
2 York City and the larger metro area. Some carters
3 also operate their own transfer stations, creating
4 vertical integration that can reduce the cost of
5 providing service for businesses.
6

7 That said, we have included the MTSs as part of
8 the Commercial Waste Zones RFP. We asked every
9 proposer to indicate if they are interested in using
10 these facilities for waste disposal. As we evaluate
11 the proposals, we will have a better sense of demand
12 for commercial waste disposal at the MTSs. We think
13 that working through the RFP process is the right
14 approach to this issue going forward.

15 Intro 933 would require DSNY to create a working
16 group that would convene no later than two months
17 following the issuance of awards to selected carters.
18 The working group will be comprised of no more than
19 20 members, including the sanitation Commissioner,
20 the Chair of the Business Integrity Commission, the
21 Chair of the City Council Committee on Sanitation and
22 Solid Waste Management, at least eight designated
23 carters, and at least eight appointees by the City
24 Council.
25

1 Now, stakeholder engagement has been a
2 fundamental part of the development of this program
3 to date. In developing the implementation plan.
4 DSNY met with more than 100 different stakeholders
5 representing business groups, labor, transportation,
6 safety advocates, environmental advocates, and
7 industry representatives, many of whom are in this
8 room today. The legislation, environmental review,
9 and rulemakings have each been public participatory
10 processes that together have engaged hundreds of
11 stakeholders and members of the public.
12

13 During the RFP phase, our engagement and
14 communications with stakeholders has been limited by
15 rules and best practices for city procurements. All
16 communications must be equal and fair to ensure no
17 preferential treatment. As soon as the procurement
18 concludes, we expect to resume regular engagement
19 with appropriate stakeholders ahead of the
20 implementation of this program.

21 However, I cannot support this bill in its
22 current form. The inclusion of designated carters in
23 the working group would present legitimate concerns
24 about favoritism and access that could threaten the
25 implementation of the program. The carters on the

1 working group would have both perceived and actual
2 preferential access to members of the department, and
3 discussions about the implementation of the program
4 and put it in legal jeopardy. As DSNY will be both
5 the contract manager and the regulator under this
6 program, the department should determine the best way
7 to engage with vendors, to avoid any favoritism and
8 create a fair program for all vendors.
9

10 In conclusion, I want to ensure the Council once
11 again, that we are fully committed to implementing
12 Commercial Waste Zones, and we are committed to
13 getting it right. We will take the time and dedicate
14 the resources needed to achieve the program goals and
15 create a cleaner, safer, more sustainable commercial
16 waste collection system.

17 Thank you for the opportunity to testify today.
18 And my colleagues and I are now happy to answer your
19 questions.

20 CHAIRPERSON NURSE: Thank you, Commissioner. I
21 always appreciate your very open testimony. I want
22 to acknowledge Councilmember Bottcher, who introduced
23 himself with a little music earlier.

24 So we're just going to get a little status update
25 on Commercial Waste Zone implementation, and you can

2 share what you're legally allowed to share. I know
3 there are concerns with the process still ongoing.

4 So in terms of today, can you tell us where DSNY
5 is in the CWZ process review-- proposal review
6 process? Specifically, if you can share how many
7 carters have responded to the RFP, how many carters
8 responded to the best and final offer, and at this
9 time how many carters has the administration moved
10 forward with?

11 COMMISSIONER TISCH: 34 carters responded to part
12 two of the RFP.

13 All of those carters responded to the best and
14 final offer. And at this time, we haven't selected
15 any carters. And the reason we haven't selected any
16 carters is the committee has to meet and review all
17 of the proposals before they make their selections.

18 That process is what's going on right now.
19 There's a committee of six members that is full time
20 reviewing each of those proposals with the goals of
21 making the awards.

22 CHAIRPERSON NURSE: And have there been enough
23 applicants to fulfill the three carters per zone and
24 five carters for container pickup?

25 COMMISSIONER TISCH: Yes.

2 CHAIRPERSON NURSE: That's great news.

3 You sort of hint-- you kind of talked about the
4 timeline. Is there any-- can you reconfirm your
5 timeline for announcing awardees?

6 COMMISSIONER TISCH: So there's multiple phases
7 to this, and I'll just like go-- go through each one
8 of them. Right now, the vendor selection committee,
9 which is a team of six people, is reviewing all of
10 the RFPs with the goal of-- the purpose of selecting
11 vendors for each zone. After that, once the vendors
12 are selected based on the scoring, we will begin a
13 process where we negotiate those contracts. It's up
14 to 65 contracts. It may be a fewer number of
15 contracts if we have carters operating in multiple
16 zones, but there's a lot of contracts. So selection,
17 negotiations, and then the process of, like, going
18 through the various oversights in the controller to
19 get the contracts registered.

20 As I mentioned, for a single contract, each of
21 those steps takes months, not weeks. And this is up
22 to 65 contracts. And so given everything I know now,
23 my realistic assessment is that that will-- that we
24 will pilot our first zone, meaning we will turn on
25 our first zone, in the second half of 2024. Now,

2 that may change. Not-- not all of this is within our
3 control. I wish I control both sides of the
4 negotiations. I only control one side of the
5 negotiation. So I don't know what issues the carters
6 will raise as part of the negotiations and how long
7 those negotiations will take. What I can tell you is
8 that all the things that are within my-- my control,
9 or the agency's control. We are trying to maximize
10 efficiency, thoughtfulness, and speed.

11 So as an example, I said, I had six members of
12 the department Business Integrity Commission,
13 reviewing those proposals. The DSNY staff that are
14 reviewing those proposals, they are only doing this.
15 They are not doing any other work. And the idea
16 there is to make sure that we go through these
17 proposals as quickly as possible, and that we also
18 give them the care and the attention and the thought
19 that they deserve, both because the carters took a
20 lot of like time and put a lot of energy (probably a
21 lot of money) into putting them together, and because
22 the implications I think of getting this wrong are so
23 problematic.

24 CHAIRPERSON NURSE: We have some questions about
25 capacity and staffing later on. But since you're

2 talking about the review committee, how many folks
3 from DSNY-- I know you said you have six members of
4 BIC. How many people are doing the reviews just on
5 this?

6 COMMISSIONER TISCH: So we have we have two
7 separate teams, and there's-- there's a firewall
8 between them. They don't communicate. One team, the
9 team that's had a lot of action up until this point
10 is the team that's not scoring the proposals, but
11 that's reviewing them, that reviewed them for
12 completeness, to make sure that no carter was
13 eliminated for things like administrative errors or
14 things that can be easily and quickly fixed or-- or
15 completed. And that was part of the best and final
16 offer process.

17 My goal was to make sure that we went into the
18 final scoring of the proposals, which we're doing
19 now. That we had as many companies, as many carters
20 in that scoring process, so that we could see some
21 nice competition. We saw that between phase one and
22 phase two of the RFP the number of respondents
23 dropped from 50 to 34. And I wanted to do-- we all
24 wanted to do everything we could to make sure that
25

2 when it went from response to scoring, that we didn't
3 lose any-- any carters.

4 CHAIRPERSON NURSE: Great. Thank you for that.

5 Excuse me. Okay, so given the extended RFP
6 process, there were concerns about the rollout.
7 We've gotten a lot of calls and emails. How does
8 DSNY plan to roll out the newly designated carters
9 for each zone? You mentioned there's a pilot zone.
10 You're looking at implementation second or third
11 quarter of 2024? Can you talk a little bit more
12 about what that will look like?

13 COMMISSIONER TISCH: Sure.

14 CHAIRPERSON NURSE: What is the expected zone
15 transition period or customer transition period as
16 well.

17 COMMISSIONER TISCH: So at a high level, from the
18 time we implement our first zone to full-- all 20
19 zone rollout, we expect that to be a period of about
20 two years.

21 For each zone, we have planned a six-month
22 process. So two months of outreach to all the
23 businesses in the zone prior to the transition, and
24 then a four-month transition period. So when we turn
25 that zone on, there will be a four-month period in

2 which the, let's say 5000, businesses in the zones
3 will be asked to take that time to move over to one
4 of the authorized carters in the zone. The outreach
5 will continue during that four-month transition.

6 So for each zone, we expect about six-- six
7 months of outreach, two months in advance, for months
8 during transition. And at the end of the four-month
9 transition period, we would expect that all
10 businesses in the zone will be transitioned. We may
11 learn from the pilot zone that that's overdoing it,
12 or underdoing it. So that may change. But that's
13 what we're planning now for our-- our first phase
14 rollout.

15 CHAIRPERSON NURSE: Okay. Any indication of what
16 borough will be rolled out first?

17 COMMISSIONER TISCH: No. But interested in your
18 feedback, of course, always.

19 CHAIRPERSON NURSE: Just want to talk a little
20 bit about the difficulties in the selection process.
21 Pricing has come up, both in your testimony and then--
22 - I know DSNY was quoted somewhere recently about
23 expressing concerns about cost increase. Why did--
24 why did DSNY believe that, or what were you seeing,
25 if the original analysis predicted that it wouldn't?

2 And what changes do you think you can talk about that
3 you've made for preventing this, or putting on some
4 guardrails?

5 COMMISSIONER TISCH: Okay. So, in my opinion,
6 anytime that you reduce competition in an industry as
7 dramatically as this reform contemplates, you have a
8 potential for price increases. And so my focus
9 coming in has been on price-- or one of my-- one of
10 my big focuses. And as I mentioned in my testimony,
11 I think they are two existential threats to
12 Commercial Waste Zones in New York City: Massive
13 price increases, and litigation, meaning having to
14 scrap the RFP and do it over, failed RFP. Like, no
15 one wants any of that.

16 So that has-- those have been the two things that
17 we have worked to mitigate.

18 I also mentioned in my testimony the experience
19 in Los Angeles, where I understand there were
20 differences. It is three carters per zone, versus
21 one carter per zone, in LA. But I think that was--
22 that was like a warning sign. Like, we've got to get
23 this right. We've got to do it thoughtfully. And
24 price is something that we have to be focused on,
25 especially at a time when small businesses are

2 struggling. There are 100,000 small businesses in
3 New York City. All of them are going to be impacted
4 by the rollout of Commercial Waste Zones. And I
5 don't want to see massive price increases for small
6 businesses.

7 CHAIRPERSON NURSE: Were you seeing increases as
8 you were starting to review? I mean, what is the--
9 what was the kind of, "Okay, we need to take a minute
10 and readjust."

11 COMMISSIONER TISCH: So the first part of my
12 answer is going to be unsatisfying to you. I have
13 not seen the proposals. And the reason I have not
14 seen the proposals, and the reason why Frank and the
15 members of the team who actually reviewing them are
16 not sitting up here today is we really want to follow
17 the procurement rules very closely.

18 So I don't know what the pricing is, in the
19 proposals that we have received. I would be thrilled
20 to be wrong. I don't think I am though.

21 I was concerned about price increases before we
22 even got the proposals back in, like pretty much from
23 day one, just because I believe it is one of the real
24 existential threats to rolling out this very
25 important reform. And in my opinion, based on what

1 I've been briefed on, and what I heard, I didn't
2 think that we pulled-- that the department had pulled
3 all the levers it needed to pull to do everything in
4 its power to ensure that we don't implement a new
5 system that creates unreasonable and unmanageable
6 burdens on small businesses in in New York City.

8 CHAIRPERSON NURSE: Okay. So just-- just to be
9 clear, there's no actual indication that you're aware
10 of a price increase, but you want to make sure that
11 there isn't price increases. I think we're all on
12 the same page.

13 Are there any cost safeguards that you have put
14 in place to mitigate something that you're not
15 necessarily sure of-- is going to take place?

16 COMMISSIONER TISCH: Yup. So I would the way I
17 would characterize it is: I am not generally an
18 optimistic person, but I am a very realistic person.
19 And so I think that the-- that my focus on price
20 increases is a realistic concern. So to that end, we
21 have put in place a number of different, like,
22 safeguards-slash-changes to how we are approaching
23 things, to try to mitigate any potential impacts on
24 price.

2 So among them, and I mentioned some of this in my
3 testimony, we increased the weight of pricing as part
4 of the evaluation criteria when the committee is
5 meeting to evaluate the proposals. So the new weight
6 for price is 40 percent of the score. And that's up,
7 just to give you context, from 35 percent.

8 We also changed our pricing formula, meaning how
9 we compare apples to apples, the prices in the
10 different proposals. And, as I mentioned, we
11 included another step, but that was the step of the
12 best and-- asking the carters for best and final
13 offers, which is a standard practice-- best practice
14 in procurements when you want to get the most
15 competitive pricing possible. Like in layman's
16 terms, what it is, is, "Hey, proposers: last chance.
17 Give us your best pricing." And it actually works.

18 And I don't know what the best and final offer
19 said or the RFPs said, but I hope to be able to come
20 back here in some time when we have all-- all that
21 information and say that the best and final offers
22 were worth doing, it brought prices down.

23 CHAIRPERSON NURSE: Okay. Has there been-- I
24 know earlier on in the-- maybe before the bill
25 passed, there was concern that there would be a race

2 to the bottom in prices, which would potentially kind
3 of jeopardize or create incentives for all of the
4 things that have happened in the past in terms of
5 worker safety, folks being incentivized to cut
6 corners, quality of services dropping down. Have
7 there been any additional discussion of minimum rates
8 to prevent this?

9 COMMISSIONER TISCH: Yeah. So the law wisely
10 allows us to create minimum rates, which you're
11 referring to, and we have not put in place those
12 minimum rates yet. But it is something that we are
13 going to keep an active eye on. And if and when the
14 time is right, we will be prepared to implement
15 minimum rates. I just don't think that now is the
16 moment for it.

17 CHAIRPERSON NURSE: Okay, and then just as a
18 reminder, how does-- in this new process how is the
19 carter determining the price charged to each
20 business?

21 COMMISSIONER TISCH: When the-- when a business
22 signs up with a carter in this new system, the carter
23 will do an assessment of the business's waste. And
24 that's how the price is determined, part of that
25

2 assessment, and then there can be periodic
3 reassessments.

4 CHAIRPERSON NURSE: Okay. The RFP indicates that
5 one applicant can be the recipient of 15 awards plus
6 one container award. Do you-- are you able to speak
7 to the current-- to currently the highest number for
8 a single awardee?

9 COMMISSIONER TISCH: We don't have any awardees.

10 CHAIRPERSON NURSE: Well, and-- I guess I will
11 frame it this way: Is there a carter that you
12 anticipate, or a number of carters that you
13 anticipate having that maximum number?

14 COMMISSIONER TISCH: I haven't seen the
15 proposals.

16 CHAIRPERSON NURSE: Okay. Thank you. Has-- DSNY
17 has connected with LA. Have you been in contact or
18 in conversation with City Government, stakeholders?

19 COMMISSIONER TISCH: The department has, and if
20 you'd like to hear more about it, since Deputy
21 Commissioner Anderson led those efforts, Greg, why
22 don't you just say something about it.

23 DEPUTY COMMISSIONER ANDERSON: Yeah. We've had
24 regular contact, mostly with the LA City Sanitation,
25 who was in charge of overseeing the implementation of

2 the recycling program. We've also had conversations
3 with advocates on the ground in LA who were obviously
4 a very important part of that implementation, and
5 gave us a lot of important learnings about how to--
6 how to move ahead here in New York City.

7 CHAIRPERSON NURSE: Thank you. Before we move on
8 to the next topic of budget, do you-- is there
9 anything else you would like to add to the overall
10 CWZ timeline? Is there any further delays that you
11 anticipate, that will need to be communicated?

12 COMMISSIONER TISCH: I think my testimony covered
13 it all.

14 CHAIRPERSON NURSE: Okay, just giving you an
15 opportunity.

16 Okay, we're going to talk about Commercial Waste
17 Zone budget needs. What resources does DSNY need to
18 ensure a successful rollout of CWZ? Specifically
19 does the preliminary budget for FY24 impact
20 Commercial Waste Zone implementation positively or
21 negatively?

22 COMMISSIONER TISCH: I think we are in good shape
23 on our budget for Commercial Waste Zones in FY23.
24 Between PS and OTPs, we have budgeted \$6 million.
25 Because those numbers were arrived at when the

2 department was saying that they were going to-- that
3 it was going to start implementation sooner, we may
4 have some excess money this year for things like our
5 outreach contract, which won't go into effect until
6 we need to start the outreach. And so that money
7 will just move to the year that it's required.

8 CHAIRPERSON NURSE: Thank you. I want to
9 recognize Councilmember Jen Gutiérrez. Thank you for
10 joining us.

11 You mentioned you're hoping to have about 20
12 people working on CWZ. Can you reconfirm the-- your
13 headcount for this-- for this specific project.

14 COMMISSIONER TISCH: Sure. Today, we have 20
15 civilian staff who spend a lot, if not all, of their
16 time on commercial-- Oh. I'm so sorry, I was looking
17 at the wrong month. Today, February 2023, we have 17
18 civilian staff who spend all or most-- much of their
19 time on Commercial Waste Zones. And in addition to
20 that, we have already trained and put through our
21 sanitation police academy 10 new sanitation police
22 officers, who will be doing the enforcement efforts
23 around that. They just graduated last month. We
24 have also posted for three additional positions that
25 we hope to be hiring the next weeks, months, and we

2 expect that by June of this year, our civilian staff
3 dedicated to or who spend most of their much of their
4 time on will go to 20 people.

5 But I want to be really clear that the work of
6 implementing Commercial Waste Zones is really a
7 department-wide approach. It's not just the staff in
8 the Commercial Waste Zones. We would really be
9 shortchanging the program, if we just had one Bureau
10 working on it. And that's because we can't-- we
11 wouldn't be able to leverage the real expertise that
12 is across the department, and in particular, in a
13 number of highly specialized business units that we
14 have created.

15 So as an example, we brought on an Assistant
16 Commissioner for Outreach, who has decades of
17 experience managing grassroots outreach campaigns.
18 That is the type of person who will be largely
19 dedicated, while this is ongoing during
20 implementation, to Commercial Waste Zones. But he
21 doesn't work in the Bureau of Commercial Waste. He's
22 not included in my civilian headcount there, because
23 when the time is right, I'll also be working on
24 outreach for set-out times, or outreach for the
25 rollout of curbside organics.

2 Same idea, like with our IT team. We've brought
3 in some really talented IT professionals who looked
4 at the system that that the department had been
5 building for the-- the carters to report their
6 information to. I mean, that reporting will be key
7 to making this program work or not. And it wasn't
8 going to work. It was not easy to use. It wasn't
9 presenting the information to the enforcement teams
10 in a reasonable, usable way. And so the IT team and
11 the business analysts, who happened not to work in
12 commercial ways, but work in IT or program management
13 came in, looked at it, redefined requirements and set
14 it on the right course. So I don't have to go
15 through every business-- [crosstalk]

16 CHAIRPERSON NURSE: No, but we get a sense that
17 you're enlisting all of the talent in the department
18 for this as needed at different phases.

19 COMMISSIONER TISCH: We are.

20 CHAIRPERSON NURSE: I just-- in terms of
21 outreach, just because we touched on it. In May --
22 and I know that Councilmember Menin will touch on
23 some of this -- last year in May, there was testimony
24 that DSNY would begin Business Outreach soon with 30
25 positions focused on outreach and education. Given

2 this the rollout phase is longer, we understand-- has
3 DSNY started conducting any critical business
4 outreach to ensure folks are aware and prepared for
5 upcoming changes?

6 COMMISSIONER TISCH: No, because it's too soon.

7 I think one of the lessons I've learned in my--
8 my time in government working on outreach campaigns
9 is: When you start your outreach, you need to have a
10 very clear message to communicate. And given that we
11 don't have awardees, we can't tell businesses who the
12 authorized carters are in their zones, in my opinion,
13 it is premature to start outreach.

14 But we are doing everything we need to do so that
15 when it is time to start outreach, we're ready. As
16 an example, we have a concurrent RFP going on right
17 now to hire an outreach vendor that will provide
18 people outreach associates so that when we need to
19 surge our staffing for a period of two years on
20 Commercial Waste Zone outreach, they can do it.

21 And the other thing that required of that vendor
22 in the RFP is that we fully comply with Local Law 30.
23 And that we have outreach associates who can speak
24 all of the various languages that are required.

2 CHAIRPERSON NURSE: Okay, so there was an
3 adjustment there.

4 One thing that we had heard was that CWZ staff
5 had been reassigned to the Queen's Organic Program.
6 I just want to hear more about that, if you could
7 confirm it, or what you have to say about that. And
8 then for the period of time that-- when that is ready
9 to go, can you guarantee that the staff that are
10 supposed to be on this will stay dedicated to this as
11 a-- as a top priority?

12 COMMISSIONER TISCH: Yes, I can guarantee that
13 when it is showtime for that outreach staff on
14 commercial waste zones, this is all they're going to
15 be doing.

16 What happened with the organics rollout in
17 Queens, which I think was a real key to the success
18 of that program, I had looked at other outreach
19 programs that the department had done for previous
20 curbside organics rollouts, and I found them to be
21 insufficient. And I wanted-- I thought it was
22 important that we knock on every door in Queens,
23 certainly every door we could-- could get to, meaning
24 doors for residences that were in buildings that were
25 10 families or less. And that's exactly what we did.

2 And an order-- with clear, simple messaging, multiple
3 languages. And in order to do that. In order to
4 reach 2.2 million people, or as many of the 2.2
5 million people that would answer the doors, and if
6 not leave a mailer on their doorstep, we hired a
7 vendor, but we also asked people in the department
8 who were-- were not as busy as they could have been
9 to step up and participate in those outreach efforts.

10 So we pulled civilian staff from various parts of
11 the department for a period of--

12 CHAIRPERSON NURSE: Did you pull staff who were
13 on the CWZ project?

14 COMMISSIONER TISCH: Sure. Because we hadn't
15 started the outreach for commercial waste yet, right?
16 During that--

17 CHAIRPERSON NURSE: No, but who were working on,
18 for example, RFPs, or looking at what was coming in?
19 Review, folks who were doing review.

20 COMMISSIONER TISCH: We did not-- I don't know
21 the details of every single person who was pulled.
22 But my direction, and my understanding, is that we
23 did not pull people whose time was being spent
24 looking at the proposals for completeness. And that

2 we-- my direction was to pull people who were being
3 underutilized at that time.

4 CHAIRPERSON NURSE: Okay, thank you.

5 So, this year, there's two major projects you've
6 got. You're rolling out the curbside pilot all over
7 the city very quickly. And this. And you've got a
8 preliminary budget cut called for 6 percent across
9 the board, across-- including vacancies.

10 DSNY has 98 vacant positions. So given these two
11 massive projects, do you feel confident that you will
12 be able to execute both of these programs with the
13 resources that you have?

14 COMMISSIONER TISCH: I do. We've got this.

15 CHAIRPERSON NURSE: Okay.

16 COMMISSIONER TISCH: And I also am very clear
17 that if that changes, that I can communicate what the
18 need will be. I mean, it is a priority for this
19 administration to roll out curbside organics to every
20 New York City resident over the next 20 months. It
21 is also a priority of this administration to roll out
22 Commercial Waste Zones, and to do both once, and to
23 do them right.

24 CHAIRPERSON NURSE: Okay, thank you.

2 I'm going to acknowledge Councilmember Marjorie
3 Velázquez. Thank you for joining us.

4 And I'm going to turn it over to my Co-Chair
5 Menin for her questions.

6 CHAIRPERSON MENIN: Thank you so much. So I want
7 to build upon a question that Councilmember Nurse
8 asked, which was you were talking about potential
9 price increases to small businesses. And I believe
10 what you said is that you-- that the agency didn't
11 pull all the levers within its power. Can you
12 elaborate on what you, meant and what should the
13 agency have done?

14 COMMISSIONER TISCH: Sure. I'll go through a few
15 of them. Among the things: In the timeline for
16 implementation that I was handed when I showed up, it
17 didn't account for issuing a best and final offer, as
18 an example. So we issued a best and final offer. It
19 took a few months to write. And then for the
20 respondents to respond.

21 It didn't include things-- the plans didn't
22 include things like the tedious, painstaking work
23 required to go through all 34 proposals, some of
24 which were like over 1000 pages, to make sure that
25 all the information was included so that no vendor

2 was eliminated, no proposer was eliminated for a
3 paperwork problem. There, the idea is to make sure
4 that we have as much competition as possible.

5 Another thing that we did was we increased the
6 weight in the evaluation process of pricing. So
7 there's three categories. There's price, technical
8 proposals, and capacity operations and compliance
9 history. So we increased the weight of the first
10 category, price, from 35 percent to 40 percent.

11 Those are the types of things that we did. There
12 are others. Those are the types of things that we
13 did to ensure that we were pulling the levers we
14 could pull to ensure that prices stayed low.

15 CHAIRPERSON MENIN: Now you've laid out a new
16 timeline including this pilot. You said in your
17 testimony that you reserve the right to revisit the
18 timeline, how confident are you that you'll be able
19 to meet this new timeline?

20 COMMISSIONER TISCH: As I said before,
21 Councilmember. I am not an optimistic person, but I
22 am a realistic person. And given everything I know
23 sitting here today, I think the timeline that I laid
24 out is realistic. However, I also know that there is
25 a lot that is going to happen over the next year and

2 change, much of which is in my control, some of which
3 isn't in my control or the agency's control.

4 If the negotiations for example, take a year
5 instead of six months, then I may be coming back to
6 you and saying, "Sorry. Have new information. It's
7 not going to be the second quarter of 2024."

8 So given what I know today, given my experience,
9 15 years of managing contracts in programs in New
10 York City, I think that we will start our first pilot
11 in the second half of 2024. But I also know that
12 things can change between now and then, and what I
13 commit to you is that I will be open with this
14 council, I will be open with you and your staff, if
15 things do change. And I will be able to when I come
16 to you, I would be able to communicate and explain a
17 real good reason why.

18 CHAIRPERSON MENIN: Okay, I want to drill down a
19 little bit as a Chair of the Small Business Committee
20 on the outreach to small businesses. And I know you
21 said you have not begun outreach. I am concerned
22 about that, I have to say, because we have over
23 200,000 small businesses. I've heard from many of
24 them who have a lot of questions about the plan. So
25 when do you anticipate that you will begin outreach,

2 and what will specifically that outreach look like,
3 and how much are you spending on outreach?

4 COMMISSIONER TISCH: The outreach for each of the
5 20 zones will be a six-month period. The first two
6 months will be pre transition. So just we estimate
7 they're about 5000 businesses on average in each
8 zone. So the first two months, we'll be reaching out
9 to the businesses in the zone, letting them know this
10 is coming, and letting them know that there will be a
11 four-month transition period where, in that time
12 period, they will have to switch from their existing
13 carter to one of the new authorized carters. We will
14 give them information about who the carters are in
15 their zone, and we will be clear that it is expected
16 at the end of those six months, or at the end of the
17 four-month transition period, that all businesses in
18 that zone would be required to make the switch.

19 So it's-- the outreach is six months, two in
20 advance, four during the transition per zone. As I
21 mentioned before, we have put out already the RFP and
22 gotten responses back from interested vendors for the
23 outreach contract. And right now, the-- [TO DEPUTY
24 COMMISSIONER ANDERSON] Can I say what the budget is
25 for it? [TO COUNCIL] Okay, I just didn't want to

2 give away private information. Right now the budget
3 for that is \$2.7 million.

4 CHAIRPERSON MENIN: Okay, and what's the scope of
5 the contract? What type of outreach will be
6 conducted?

7 COMMISSIONER TISCH: It is a very wide scope. We
8 expect that our outreach vendor will do about 10 to
9 20 site visits per day, totaling about 7500 visits
10 per month, and about 100,000 visits overall, because
11 that's the number of businesses we have.

12 It's going to be a mixture of door to door
13 canvassing, mailers, phone calls, all of the
14 different types of outreach you could do in the pre-
15 transition phase, and also during the transition
16 phase. And as I mentioned before, one of the
17 requirements we put into the RFP is that all of it be
18 language accessible, according to the requirements of
19 Local Law 30.

20 CHAIRPERSON MENIN: Are you going beyond Local
21 Law in terms of language access, or are you limiting
22 to those languages?

23 COMMISSIONER TISCH: The languages that we've put
24 a high priority on are Spanish, Mandarin, Chinese,
25 Cantonese, Russian, Korean, Haitian Creole, Arabic,

2 Bengali, Hindi, Urdu, Yiddish and Hebrew, and those
3 are the ones where the vendor will be required to
4 have people who are fluent in those languages.

5 Beyond those languages, we will make
6 accommodations like we used in the-- in the Vaccine
7 Education Outreach, where we use this language line
8 app that provides for translation services.

9 CHAIRPERSON MENIN: Okay, what's the coordination
10 with SBS? I know you mentioned you've spoken to
11 Commissioner Kim, but what is SBS his role
12 specifically in implementation of this?

13 COMMISSIONER TISCH: So in my conversations --
14 excuse me, I'm just pulling up my notes right here;
15 I'm not looking at my email. In my conversations
16 with Commissioner Kim, we discussed how SBS can be
17 helpful in coordinating some pieces of the outreach.
18 In particular, working with them to coordinate
19 outreach to BIDs, to merchant associations, to
20 community-based organizations, and to other community
21 partner organizations. This is an area where they
22 have a huge amount of expertise.

23 In my history, particularly during the pandemic,
24 I worked very closely with SBS during that-- doing
25

2 that type of thing, that type of outreach, but as it
3 related to vaccinations.

4 CHAIRPERSON MENIN: Okay. And will there be new
5 penalties that will be introduced for businesses
6 under this? Can you speak a little bit--

7 COMMISSIONER TISCH: No.

8 CHAIRPERSON MENIN: Okay. Last year, the
9 Business Integrity Commission raised the rate cap to
10 collect waste by 9 percent. The last time as you
11 know, the BIC did this was in 2018. Does
12 administration anticipate any other additional
13 increases?

14 COMMISSIONER TISCH: Not that I know of, but
15 there is a standard process to review those rates
16 every two years.

17 CHAIRPERSON MENIN: Okay. One other question I
18 have is at a recent Committee on Small Business
19 hearing on food donation, we learned that DSNY
20 enforcement of existing organics recycling rules for
21 large food-waste-generating businesses such as
22 grocery stores, chain restaurants was very minimal,
23 and very few citations have been issued for
24 businesses that are failing to properly recycle and
25 compost. So does the agency have any plan to ensure

1 that businesses will be able to more easily donate
2 and recycle edible food and food scraps in the
3 interim while we wait for full implementation of
4 Local Law 199?
5

6 COMMISSIONER TISCH: Sorry, I was-- while you
7 were asking the question, I was pulling up the
8 enforcement numbers. Do you want enforcement
9 numbers?

10 CHAIRPERSON MENIN: Yes, yes, yes. Definitely.

11 COMMISSIONER TISCH: Okay. So during the
12 pandemic -- I have to say, there was very minimal
13 enforcement from the department, but specifically
14 minimal enforcement around commercial organics -- we
15 have last year stepped up some enforcement of
16 commercial organics. Last year, we issued 1419
17 summonses related to the commercial organics laws.
18 In 2021, by comparison, there was 103.

19 CHAIRPERSON MENIN: Okay. And then the latter
20 part of my question is: what will the agency do to
21 ensure that businesses will be more able to donate?

22 COMMISSIONER TISCH: Oh. On donations, we have a
23 program called donateNYC, which Greg can speak to.

24 DEPUTY COMMISSIONER ANDERSON: Yes,
25 Councilmembers. As I described at the hearing last

2 month, we have our donateNYC Food portal, which--
3 which is open to any business who wants to do donate
4 food, and has several hundred recipients registered
5 who can receive that food, and aims to connect
6 businesses with recipients in their neighborhood.

7 So that's available to all-- all food-related
8 businesses that are both covered and not covered by
9 the commercial organics law. And we continue to do--
10 to work with partners to expand their capacity to
11 receive donated food.

12 CHAIRPERSON MENIN: Okay. I mean, as you and I
13 discussed before, and as you know, I introduced a
14 bill to try to expand this program to have
15 restaurants be able to donate food, and in exchange
16 receive reductions in fines, I really urge the agency
17 to take a look at that, and to consider expanding
18 upon that program in that fashion.

19 COMMISSIONER TISCH: Understood.

20 CHAIRPERSON MENIN: Okay. Thank you. I'm going
21 to turn it over to the Chair. Thank you.

22 CHAIRPERSON NURSE: Okay, I want to recognize
23 some of our-- almost our whole Bronx delegation is
24 here. Councilmember Salamanca, Councilmember Fariás.

2 I just have two more questions, and then opening it
3 up to other members.

4 There was a question about: Will written
5 agreements, if you can-- if you can speak on this,
6 between businesses and carters be language
7 accessible, or are required to be languages
8 accessible.

9 COMMISSIONER TISCH: Greg.

10 DEPUTY COMMISSIONER ANDERSON: Yeah. So the
11 carters are required to have a language access plan
12 so that they are communicating with customers in a
13 variety of languages. The written agreements
14 themselves, I think, we'll have to come back to that
15 just because there are some legal requirements as far
16 as contracts and the language of contracts. But
17 certainly we expect the carters to be providing
18 language access tools, and we will be enforcing that
19 through the contract.

20 CHAIRPERSON NURSE: Okay. And that's going to be
21 under the-- the CWZ-specific folks? Or whose job is
22 it to kind of enforce that or ensure it?

23 COMMISSIONER TISCH: CWZ.

24 CHAIRPERSON NURSE: Okay. Okay. We're going to
25 open it up to members. Thank you all for being

2 patient. We're going to start with Councilmember
3 Brooks-Powers, but then we'll have Ossé and
4 Gutiérrez. So you'll be on standby.

5 COUNCILMEMBER BROOKS-POWERS: Thank you, Chairs.
6 And hello Commissioner Tisch. It's great to see you.

7 COMMISSIONER TISCH: Hi. It's good to see you.

8 COUNCILMEMBER BROOKS-POWERS: So I just have a
9 few quick questions. In your testimony, you
10 mentioned that Los Angeles's program had created
11 exclusive, non-competitive zones. You identified
12 this as a difference between the Department of
13 Sanitation's program and LA's. As sanitation will be
14 authorizing multiple carters in each zone, however,
15 we are still limiting competition to a max of three
16 carters per zone. So how are we deciding to what
17 degree we limit competition in each zone? How do we
18 strike the balance between customer choice and
19 increase efficiency?

20 COMMISSIONER TISCH: Thank you for the question,
21 Councilmember. The Local Law that was passed in 2019
22 actually sets out the new paradigm, which is three
23 carters in each of 20 zones. My focus over the past
24 eight, nine months -- as it relates to Commercial
25 Waste Zones are one of my focuses -- has been getting

2 at the point that you made, I think, exactly. It has
3 been doing everything we can, given this new
4 paradigm, to pull all of the levers in the hopes that
5 prices won't go up, given the more limited
6 competition. I unfortunately, sitting here today,
7 don't have that answer for you. I don't have the
8 crystal ball, because I haven't seen the proposals
9 because we have to follow really the letter of the
10 law on all of the procurement steps, so as not to
11 open this program up to legal jeopardy.

12 But in my testimony and our discussions today,
13 I've gone through a number of the levers that we have
14 pulled, that are in our power to pull, to do
15 everything we can to prevent price increases on small
16 businesses at a time when small businesses are
17 hurting.

18 COUNCILMEMBER BROOKS-POWERS: And I just want to
19 wrap up with questions surrounding MWBE
20 participation. So I'll just ask them all, because
21 I'd like to get an answer to them.

22 So one: Is sanitation doing anything to ensure
23 MWBE participation as the RFP process proceeds? Has
24 sanitation set any MWBE utilization targets as it
25 works through awarding contracts? Does sanitation

2 know how many qualified MWBEs are operating in this
3 industry? And what outreach has sanitation done to
4 ensure awareness among MWBE businesses that the RFP
5 process is underway?

6 COMMISSIONER TISCH: So one thing, and I'm going
7 to let Deputy Commissioner Anderson give a full
8 answer to your question. One thing I was shocked by
9 when I showed up at the Department of Sanitation was
10 how few MWBEs participate in the waste management
11 space.

12 Lots of the waste transfer stations, like the
13 infrastructure for waste management in New York City,
14 is located in black and brown communities, and very
15 few of the players in the waste management market are
16 MWBEs, and so that's one thing that we definitely
17 need to make progress on.

18 Now, I can't control who submits a proposal under
19 our RFP. But one of the things that our RFP allows
20 for is for new subcontractors to work with awardees.
21 So to the extent that there are MWBE's who are not
22 selected, or didn't propose, but want to participate
23 in the commercial waste market in New York City,
24 there will be opportunities in the form of
25 subcontracts.

2 Greg, could you answer the rest of the
3 Councilmembers detailed questions?

4 DEPUTY COMMISSIONER ANDERSON: Sure, absolutely.
5 So as far as the participation goals, specifically,
6 we were unable to set an MWBE participation goal,
7 because we're not actually spending the city's money
8 here. We're regulating the industry for the benefit
9 of the businesses and the carters. For the number of
10 qualified--

11 COUNCILMEMBER BROOKS-POWERS: I'm sorry. I just
12 want to pause right there. But these are contracts
13 to do city work; correct?

14 DEPUTY COMMISSIONER ANDERSON: Correct.

15 COUNCILMEMBER BROOKS-POWERS: Okay, so then it
16 should still have an MWBE participation, regardless
17 if it's spending the money of the city or not. The
18 city has a 30 percent goal across the contracts in
19 this city, and I expect sanitation would follow that
20 as well.

21 DEPUTY COMMISSIONER ANDERSON: Understood,
22 Councilmember. As far as the number of qualified
23 MWBEs: So in order to participate in Commercial
24 Waste Zones, businesses had to be licensed carters by
25 the Business Integrity Commission. I think, off the

1 top of my head, I can think of maybe fewer than 10 or
2 5 who are certified MWBEs, and are licensed by the
3 Business Integrity Commission. As the Commissioner
4 said, very little MWBE participation in this industry
5 as a whole. That's something that sanitation has
6 been working for several years to try to improve, but
7 we have done a significant amount of outreach to
8 MWBEs in other adjacent sectors. So you know,
9 private carters need services like truck repair, for
10 Commercial Waste Zones, they'll need services like
11 waste auditing and things like that. So we've done
12 outreach, in partnership with the Mayor's Office of
13 MWBEs, in partnership with SBS to those certified
14 businesses in those sectors, to encourage them to
15 connect with carters who are proposers. We've done
16 resources, we had a virtual resource fair about a
17 year ago during the RFP phase. So those are the
18 steps that we've taken to try to improve MWBE
19 participation.
20

21 COUNCILMEMBER BROOKS-POWERS: Thank you for that.
22 I would just say I encourage the Department of
23 Sanitation to leverage the RFP process, and maybe
24 explore matchmaking and doing events that could
25 foster these relationships, so that you will see

1 subcontractors partnering with primes and finding
2 ways to scale these businesses up so that they don't
3 always have to be subcontractors as well, and we can
4 diversify the pool of responders to RFPs in the
5 future. Thank you.

7 CHAIRPERSON NURSE: Thank you, Councilmember
8 Brooks-Powers. I did have a question about-- there
9 was a while ago the SOAR program, that was in-- or--
10 was it Kevin Wells who was running that at one point,
11 to try to bring diversity? I know this is a problem
12 across the state. Just basically no MWBE folks.
13 Just, while we're on the topic, a quick status of the
14 program, if it exists.

15 DEPUTY COMMISSIONER ANDERSON: So Kevin was
16 previously our Chief Supplier Diversity Officer. He
17 left for other opportunities, I think, over a year
18 ago at this point. And yes, he did some of that work
19 to try to encourage MWBE participation, expand MWBE
20 businesses in the waste sector and adjacent sectors.

21 That work obviously continues through the work of
22 the department's ACO, through the contracting process
23 that we have. We do work with the Mayor's Office of
24 MWBEs to try to set incredibly ambitious goals,

2 understanding that the sector lacks MWBE
3 participation.

4 COMMISSIONER TISCH: I would just add one-- one
5 other thing. I think I'm getting this right. During
6 the pandemic, the-- two of the agencies that had the
7 highest level of MWBE participation were the
8 Department of Sanitation and DoITT. And so not--
9 which I ran. not only has MWBE participation--
10 increasing MWBE participation been a priority for the
11 Department of Sanitation, but I -- coming in here and
12 bringing to it my own commitment to doing it, as I
13 mentioned -- we're not there on the waste industry,
14 but we can make progress.

15 CHAIRPERSON NURSE: Thank you for that. I do
16 want to recognize we have our Brooklyn Borough
17 President, Antonio Reynoso, in the back, who is going
18 to be testifying later. I don't know the protocol
19 around these things, so I just thought better safe
20 than sorry.

21 Next up, we're going to have questions around
22 from Councilmember Ossé.

23 COUNCILMEMBER OSSÉ: Thank you, Chair Nurse and
24 Chair Menin. Good morning, Commissioner, and folks
25 from the Department of Sanitation. I know questions

1 that are being asked today are mainly pertaining
2 to, you know, Commercial Waste Zones, and how they're
3 going to affect our small businesses. But I would be
4 doing a disservice to my constituents if I did not
5 ask about Commercial Waste Zones and some of their
6 particular personal concerns that they have with
7 Commercial Waste Zones and how they affect quality of
8 life issues in Bed Stuy.
9

10 And one of the first concerns that I do want to
11 inquire about is, you know, the pollution, and
12 especially the smog that some residents feel stems
13 from Commercial Waste Zones that go throughout our
14 district. And I wanted to ask how the agency is
15 planning to ensure smog and pollution from these
16 trucks do not impact our neighborhoods.

17 COMMISSIONER TISCH: One of the great benefits
18 that we saw in the environmental review that was the
19 underpinning of the Local Law for Commercial Waste
20 Zones was a 50 percent reduction in truck traffic
21 associated with the program. So reducing the smog
22 and the air pollution-- there are many different
23 benefits of implementing a system like Commercial
24 Waste Zones, high among them is the issue that you
25 are raising. And so as we roll this program out,

2 that is one of the benefits that you, and I think
3 your constituents, will see and feel. It's among the
4 reasons that we feel real urgency to get this done,
5 and get this done in a way that will allow it to
6 stick in New York City for the future.

7 COUNCILMEMBER OSSÉ: Thank you for that response.
8 And you did answer my second question, which was
9 about, you know, reducing traffic and potential
10 vehicular fatalities or accidents that could stem
11 from, you know, clogged streets. So thanks for
12 answering that question. And please keep me in the
13 loop on the progress that this implementation is
14 making in regards to those quality of life issues.

15 COMMISSIONER TISCH: We will.

16 COUNCILMEMBER OSSÉ: Thank you.

17 CHAIRPERSON NURSE: Thank you, Councilmember
18 Ossé. Councilmember Gutiérrez?

19 COUNCILMEMBER GUTIÉRREZ: Thank you, Chairs Nurse
20 and Chair Menin. And thank you, Commissioner, and
21 thank you to the DSNY team for being here.

22 The Commercial Waste Zoning Bill is something
23 that's very personal to North Brooklyn specifically,
24 but obviously all of the communities that you
25 mentioned, communities of color. And so we have a

2 deep, deep commitment and investment in seeing this
3 rollout in an efficient and effective way.

4 I wanted you to expand a little bit. I was
5 streaming your-- your testimony, Commissioner. Can
6 you share a little bit about what-- how you intend to
7 meet the requirement or the goal for the headcount to
8 fully roll out this program?

9 COMMISSIONER TISCH: Sure. Right now we are
10 fully staffed based on what the needs of the program
11 are today.

12 As this progresses, the staffing needs will
13 change, and we stand prepared to do hiring. Today,
14 we're hiring for three different positions that we
15 think are needed, starting in like the June
16 timeframe, so we'll have them all in place. But one
17 of the things that I was explaining to your
18 colleague, Chair Nurse, was that this-- the rollout
19 of Commercial Waste Zones is something that is
20 getting the full weight of the-- has the full weight
21 of the department behind. So yes, we have about 17
22 civilians in the Bureau of Commercial Waste. We have
23 trained 10 police officers for this purpose. We're
24 hiring three others. But we're also calling on
25 expertise for example in our IT Department, and in

2 our outreach unit, and in our program management
3 office. Certainly in our legal department and our
4 ACO office to supplement where and when those
5 specific areas of expertise are required.

6 The other thing we're doing is we've hired our
7 own outreach team in the Bureau of commercial waste,
8 but we're putting in place a contract with an outside
9 vendor to allow surge capacity for our outreach
10 efforts, and in particular, the type of language
11 access that we want-- New Yorkers want and deserve.

12 So that will allow for the surge staffing, which
13 should be about a period of two years we expect right
14 now.

15 COUNCILMEMBER GUTIÉRREZ: Thank you,
16 Commissioner. You mentioned at the top of your
17 testimony that you had reservations about how, you
18 know, businesses can be impacted because carters
19 could very well increase costs, and I'm hoping that
20 you can expand on that. But I do just want to say
21 that, you know, we have the Brooklyn Borough
22 President Reynoso here, who championed this bill in
23 the last term, and I think worked really hard to make
24 sure that we were taking lessons from LA, for
25 example, to avoid that here in New York. And there

1 were specific steps in that legislation, rolling it
2 out, you know, increasing the amount of carters to a
3 particular zone. I think those efforts were made.
4 So I would love for you to expand on on where that
5 reservation stems from, because I think it's an
6 opportunity-- if it's not real, if it's not rooted in
7 anything that's happened here yet, and the bill goes
8 out of its way to-- to delineate how to avoid that,
9 it's an opportunity to maybe be more aggressive.
10 It's an opportunity to really start, you know,
11 increasing the viability of this program in a more
12 efficient way.
13

14 COMMISSIONER TISCH: Yeah. And I've spoken a few
15 times to Borough President Reynoso about this, sort
16 of explained my obsessive fear about--

17 COUNCILMEMBER GUTIÉRREZ: That's not rooted in a
18 whole lot are at this point; correct?

19 COMMISSIONER TISCH: Well, we'll discuss it. But
20 my fear about impacts of potential price increases on
21 small businesses at a time when small businesses are
22 already struggling. I have not seen the responses to
23 the RFPs, so I don't know what the pricing is or will
24 be. What I can tell you is for 65 positions, we only
25

2 have 34 proposers. For the first part of the RFP, we
3 had 50 people-- 50 companies express interest.

4 My opinion: Whenever you are limiting
5 competition in the way that this law requires, you
6 have to be thinking about -- and for me worrying
7 about -- price increases on small businesses. And by
8 thinking about it and worrying about it upfront, we
9 can do things that don't extend the timeline, but
10 that can mitigate those price increases. And I
11 outlined a bunch of them in my testimony.

12 I also have to agree with you 100 percent, that
13 the way that this Local Law was written was
14 absolutely brilliant. The team that--

15 COUNCILMEMBER GUTIÉRREZ: Congrats.

16 COMMISSIONER TISCH: --The team that worked on it
17 did learn a lot of lessons from LA, and those lessons
18 are all baked into the Local Law. Basic things like
19 going to three carters instead of one, but the Local
20 Law is very, very well done.

21 As the person now in charge of, like, taking this
22 ball over the finish line and implementing the
23 program, I need to make sure that I am being as
24 thoughtful in my job, as the lawmakers were who wrote
25 the legislation. And the only way that I can be

2 thoughtful in my job is by worrying about the
3 existential threats to the program: Among them, not
4 having a failed procurement, not having the thing
5 brought down by litigation, and price increases on
6 our 100,000 businesses in New York City that have
7 been through a lot recently.

8 COUNCILMEMBER GUTIÉRREZ: Thank you. I do-- I'll
9 do a second round of questions. But I appreciate
10 that you said all these things don't necessarily need
11 to have an impact on the delay or the rollout of the
12 program. And I just want to commend that, I-- and I
13 appreciate it. Thank you.

14 COMMISSIONER TISCH: Thank you.

15 CHAIRPERSON NURSE: Yeah, I guess we'll, you
16 know, as more information comes and as you're
17 starting to understand-- able to look at the pricing,
18 it'll be interesting to see, because it seems like
19 the density of customers is supposed to help with
20 operations costs, right? Like this is-- we're
21 talking about volume. Less stops, less going through
22 a bunch of different boroughs, less crisscrossing.
23 All of that supposed to do it. The inclusion of
24 waste audits and serving will allow businesses to
25 understand, "What exactly am I throwing away? I've

2 only looked at it every six months or every two
3 years. Things have changed." So all of this stuff
4 has been baked in. So I appreciate your obsession
5 with those existential threats. I think that's good.
6 We need someone at the helm to-- to be worrying about
7 all the cracks, that could happen.

8 But I just hope that we're not delaying things
9 based on--

10 COMMISSIONER TISCH: The only time that our focus
11 on price added to this whole process was about two
12 and a half months. Because in my opinion, I thought
13 we needed to follow the procurement best practice of
14 issuing best and final offers, because that's how you
15 really get your best pricing. It's fairly standard.
16 That is the only change in the timeline that this
17 real focus on pricing has created.

18 We-- I am the only commissioner to not extend the
19 RFP deadline. I came under enormous pressure to do
20 that. I didn't. I thought the eight months that the
21 carters had was-- was fair and reasonable. So the
22 work that I'm talking about is all happening, while
23 all the other necessary steps are-- are happening.
24 Not introducing new time with the exception of the
25 best and final offer.

2 CHAIRPERSON NURSE: I appreciate that. Okay, we
3 have Councilmember Bottcher.

4 COUNCILMEMBER BOTTCHER: Thank you, Chair. So
5 I've got to give you some credit Commissioner. I
6 came today prepared to give you a hard time about the
7 implementation timeline, because the de Blasio
8 administration had told us that it would get started
9 around now, early 2023. And your testimony provided
10 to me a detailed explanation of the enormity of the
11 RFP process, the complexity of the RFP process, and
12 why it's so important that it be done correctly. So
13 thank you for your testimony with all that detail.

14 I want to ask you about the recycling inorganics.
15 In your testimony, you said that the new system,
16 Commercial Waste Zones, will nearly double the
17 commercial diversion rate for recyclables and
18 organics by requiring that carters actually provide
19 these services and offer customers incentives. What
20 is the current diversion rate for recycling,
21 commercial recycling? What is the current diversion
22 wait rate for organics recycling? What do you
23 anticipate those to be under the Commercial Waste
24 Zone system? And what are the incentives you speak
25

2 of in your testimony that will help us increase those
3 rates?

4 COMMISSIONER TISCH: So I want to give you
5 numbers. But the real answer is: We just don't
6 know. And the reason that we don't know is because
7 we have terrible data from the commercial carting
8 industry about these very basic questions that should
9 have very basic answers that you posed.

10 So we will -- I hate talking about that data, but
11 I'll just do it, and you'll understand that caveat.
12 The bad data that we have, we think that it's going
13 to-- the diversion rate will more than double from
14 [TO DEPUTY COMMISSIONER ANDERSON] 22 percent? [TO
15 COUNCIL] from 25 percent to 44 percent, given the new
16 Commercial Waste Zone paradigm when it is
17 implemented, and there are several reasons. Among
18 them: Today, many carters, don't offer composting
19 services, may not offer recycling services. They
20 will not only be required to do that, they will be
21 required to offer both of those services at a cheaper
22 price, then trash collection, then refuse.

23 And so those are among the reasons why I expect
24 that the diversion rate will increase although I have
25

2 no confidence that the- the actual diversion rate is
3 25 percent today.

4 COUNCILMEMBER BOTTCHEER: Why only 44 percent?

5 COMMISSIONER TISCH: Well, it's-- it's doubling,
6 first. Second, today there are mandates in place for
7 commercial organics, for only certain types of-- of
8 businesses. Those businesses include certain
9 restaurants, food service businesses, that type, but
10 it's not a universal mandate on businesses to divert
11 organic waste, which makes up a huge percentage of
12 our waste stream in New York City.

13 COUNCILMEMBER BOTTCHEER: I want to see a 100
14 percent diversion rate.

15 COMMISSIONER TISCH: You and me both.

16 COUNCILMEMBER BOTTCHEER: And I would like to work
17 with you and our Chair to make a lot of progress
18 between now and the implementation date to set much
19 higher goals. Thank you very much.

20 COMMISSIONER TISCH: Thank you.

21 CHAIRPERSON NURSE: Thank you, Councilmember
22 Bottcher. Hopefully, the CWZ gets us there, right?
23 So we're not doing these, "Oh, how many square feet
24 do you have? This like matrix grid--"

25 COMMISSIONER TISCH: Between--

2 CHAIRPERSON NURSE: --just everybody doing this,
3 and we're separating, boom, boom, boom, we're not
4 doing all these games.

5 COMMISSIONER TISCH: Between universal curbside
6 composting, which can be rolled out over the next 20
7 months, and Commercial Waste Zones. Those two things
8 are the two biggest levers that this city can pull to
9 meaningfully impact our diversion rate in New York
10 City, which has not budged in a while. Like, if I
11 had to, like, give a list of, like, the top things:
12 One and two. I don't know which order. But I do
13 feel like this council, prior councils and the
14 Department is prioritizing now some very exciting
15 things that can make a real impact toward achieving
16 the goals that the city has been talking about for a
17 really long time.

18 CHAIRPERSON NURSE: Thank you. I'm going to pass
19 it over to Councilmember Velázquez.

20 COUNCILMEMBER VELÁZQUEZ: Good morning,
21 Commissioner. Thank you Co-Chairs Nurse and Menin.

22 First off, in a twist of fate, I want to think
23 sanitation workers Anthony Russo, James Garcia, Walsh
24 Enfalthe caro had an incident this morning, and they
25 were super and getting me out of it. So when I give

2 credit to where credit is due, and I want to really
3 recognize our uniformed men like that.

4 That being said, I want to go back to a
5 conversation earlier with Councilmember Nurse when we
6 discussed a little bit about the minimum rates, and
7 how you're looking at them.

8 If there's not an intention to require employee
9 protections, such as base salary and/or-- if there is
10 not a minimum rate, is there an intention to require
11 employee protection such as the salary and/or
12 benefits?

13 COMMISSIONER TISCH: So I just want to correct
14 one thing, and then I want Deputy Commissioner
15 Anderson to answer in some-- some more detail.

16 The law allows us to create minimum rates. That
17 is a lever we can pull. We will pull that lever if
18 and when it is needed. I'm not prejudging whether it
19 will be needed or not, but it is something that we
20 are prepared to do.

21 Greg, can you go through the second part of the
22 Councilmember's question?

23 DEPUTY COMMISSIONER ANDERSON: Sure. Thank you
24 for the question, Councilmember. So on the-- the
25 issue-- so on the issue, generally, of a race to the

2 bottom. The whole-- one of the-- the fundamental
3 premises of this approach is that we are introducing
4 regulation and minimum standards in areas where we
5 have not had regulation and minimum standards before.

6 And so as a whole, and one of the reasons we are
7 taking our time to do this carefully and thoughtfully
8 and do it right is because these contracts will
9 include several dozens of new requirements on
10 carters, some of which are requirements to follow
11 existing state, federal, local laws, some of which
12 are fundamentally new requirements on transparency,
13 accountability, safety, and other worker protections.
14 So we think that by putting those requirements in
15 place, we can avoid creating a race to the bottom.
16 That said, as the commissioner mentioned, if we see a
17 dynamic like that occurring, we will absolutely step
18 in and use that regulatory authority.

19 On the issue of-- of pay for workers
20 specifically, which you mentioned, Councilmember:
21 This is something that we've gone back and forth with
22 stakeholders on for several years. We are limited
23 because of state and federal preemptions from how
24 much we can sort of pull those levers. But we are
25 certainly looking at pay, staffing levels, and other

1 factors as part of the RFP process. It's not
2 something that we're necessarily evaluating
3 specifically, but it's part of the submission, and
4 it's something that we will be keeping a close eye on
5 going forward.
6

7 COUNCILMEMBER VELÁZQUEZ: Perfect. And I have
8 one more question. Back to what the commissioner was
9 mentioning earlier about 65 positions and only 34
10 proposals. And just the intention of it all. How do
11 we work to prevent monopolies? Because as you
12 mentioned, the effects go to the smell of businesses,
13 when they end up paying more because of limited
14 competition.

15 COMMISSIONER TISCH: Well, a few things. First,
16 I think Borough President, Then-Chair Reynoso, did a
17 lot of that work for us, by putting in place a law
18 that allows for three carters in each of 20 zones,
19 rather than, as they did in LA, one carter.

20 So I think some of that is already done for us.
21 The other thing that the RFP allows is for the
22 carters to bring in, when needed, new subcontractors.
23 And so that's a way of ensuring that we have enough
24 participation in the commercial waste market.
25

2 But as for who gets what zones: That will be
3 done by the letter of the procurement law, which is
4 why we're so thoughtful about what the criteria for
5 evaluating those proposals is. It can only be based
6 on that.

7 COUNCILMEMBER VELÁZQUEZ: Thank you.

8 COMMISSIONER TISCH: And thank you for the shout
9 out to our sanitation workers.

10 CHAIRPERSON NURSE: Yeah, it's also that some of
11 these companies just didn't qualify because they
12 didn't have the capacity. There have been-- my
13 understanding is there's been some mergers and
14 acquisitions, some people are just out of business,
15 so it's not necessarily that-- you know, this process
16 was also meant to weed out bad actors, right? So
17 there were some pretty bad, egregious actors that
18 quite frankly, needed to go. So we might have less
19 than possible, but it sounds like we do have enough
20 people to fulfill all the all the zones, as you
21 mentioned earlier, fingers crossed.

22 Okay, so Councilmember Salamanca, then Farías --
23 oh, Farías left? -- Restler-- Councilmember Ressler
24 is also here.

2 COUNCILMEMBER SALAMANCA: Thank you, Madam Chair.
3 Good morning, Commissioner. First, I want to thank
4 you and your agency, for working with my office on
5 tackling illegal dumping, with the-- the sanitation
6 cameras that we were able to install.

7 It's refreshing to see on your social media, how
8 you're exposing these bad actors who are taking
9 advantage of isolated areas, not just in my district,
10 but throughout the City of New York. So I just want
11 to say thank you. And kudos to whoever's managing
12 your social media. It's a--

13 COMMISSIONER TISCH: A fabulous team.

14 COUNCILMEMBER SALAMANCA: They're-- they're doing
15 a great job.

16 COMMISSIONER TISCH: Yes they are.

17 COMMISSIONER TISCH: So all right, thank you.

18 I want to go back to some of the concerns that I
19 had from business owners, in terms of prices. I have
20 a few BIDs. I have the world's largest food markets,
21 produce, meat, fish market. And so there-- there's a
22 lot of waste. And the concern is that, because once
23 this zoning takes effect, they will have less options
24 in terms of who they can choose from, that their--
25 their costs will increase. And I am not just hearing

2 it from businesses, but these businesses in the
3 markets are talking to their customers, and their
4 customers are asking me these questions: Number one,
5 when will the zoning take effect? How do we know
6 that their costs will not increase? I do not know
7 how to answer that. How do I answer them?

8 COMMISSIONER TISCH: So I think for the first
9 time today, you're getting here a realistic answer to
10 when. And that that answer is: We expect for-- to
11 first do one zone, a pilot zone. And we expect to
12 roll out that pilot zone in the second half of 2024.
13 So about-- a little over a year from now. And then
14 after that we expect to do the other 19 zones over
15 the next two years. So we're looking at basically a
16 three-- three year rollout of the whole thing.

17 And then on the topic of price, and I covered
18 this in some detail in my testimony, I am very
19 concerned that-- that there could be price increases
20 associated with limiting the amount of competition in
21 this market. But what I've said is we have, as the
22 people who are administering the program, this is our
23 area of extreme focus, and we are pulling every lever
24 that we can under the law to ensure that we mitigate
25 any price increases to the extent that we can by

2 doing things that I think are reasonable and
3 rational.

4 So for example, issuing the best and final offer
5 to get-- to say to all the proposers, "Hey. One more
6 chance. Are you sure that your best pricing? If
7 not, give me a better pricing." So we did that. We
8 also increased the percentage that price plays in the
9 scoring of each of the proposals. So when we showed--
10 - when I showed up, it was about 35 percent. We
11 increase that to 40 percent. We changed the
12 algorithm for calculating scores on price as well.
13 We've pulled as many levers as we can to try to
14 mitigate any potential cost increases.

15 I don't have a crystal ball. I haven't seen the
16 proposals. I don't know if costs will go up. I
17 think it's reasonable to worry that they will. And
18 we'll have more to say on what-- what happened as
19 soon as we have awardees and contracts.

20 COUNCILMEMBER SALAMANCA: Just very quickly --
21 thank you, Madam Chair for the extended time -- two
22 things. You mentioned a pilot zone. Who's going to
23 be the first pilot zone?

24 COMMISSIONER TISCH: I don't know.
25

2 COUNCILMEMBER SALAMANCA: All right. Second, is
3 I'm also getting this concern. I also-- because in
4 Hunts Point, I also have what's called the
5 Construction and Debris Transfer Stations, where they
6 will come and they will drop off. And the concern
7 is, is because if this-- as part of this waste
8 zoning, we're not just tackling the carriers, but
9 we're also addressing the transfer stations. And
10 their capacity in certain transfer stations, at least
11 in my district are decreasing, which I'm extremely
12 happy because that means there's less trucks coming
13 into my community. But their concern is that because
14 of that, prices may go up as well. And how are we
15 ensuring that other communities that can accommodate
16 transfer stations are actually getting transfer
17 stations, since you're decreasing capacity in
18 communities such as Hunts Point?

19 COMMISSIONER TISCH: Okay. So construction
20 debris is not included as part of the new Commercial
21 Waste Zone law. So, you'd mentioned like some
22 businesses that do construction debris. That is
23 completely separate from Commercial Waste Zones.

24
25

2 And then the second question was, how do we
3 ensure that we're spreading capacity-- capacity
4 around?

5 COUNCILMEMBER SALAMANCA: So I have two transfer
6 stations, right? I have construction and debris, and
7 then I have regular garbage. And so-- and we've
8 decreased capacity in these transit stations for
9 regular garbage. How are we ensuring-- so they have--
10 - the garbage has to go somewhere, right?

11 COMMISSIONER TISCH: Yup. It sure does.

12 COUNCILMEMBER SALAMANCA: The transfer stations.
13 And if you're decreasing capacity here, where is that
14 garbage going to go? And how are we ensuring that
15 communities that are that can bring-- that you can
16 build transfer stations in, are actually going to get
17 these transfer stations? How are we ensuring equity?

18 COMMISSIONER TISCH: So as part of this RFP
19 process, we asked each of the proposers for their
20 plans for how and where they would be moving the
21 material around. And that will be included, that is
22 included as one of the things that is scored as part
23 of the scoring process for the proposals. So it is
24 accounted for.

2 But I think that thing that you're hitting on
3 more than-- than that answer would suggest is our
4 work around waste equity. And for that, I would like
5 Deputy Commissioner Anderson, who has been there
6 since the passage of the waste equity law and has
7 overseen the department's incredible efforts around
8 waste equity, to talk not just about what has been
9 done, but what the future looks like.

10 DEPUTY COMMISSIONER ANDERSON: Thank you for that
11 question, Councilmember. And you know, I think the--
12 the South Bronx, and Hunts Point in particular,
13 obviously has borne the burden of waste transfer
14 infrastructure for a very long time, far too long.

15 So the waste equity law, Local Law 152 of 2018,
16 is in full effect, has reduced transportation
17 permitted capacity by over 10,000 tons per day in
18 four districts, two districts in the Bronx, one in
19 Brooklyn, one in Southeast Queens. And what that's
20 intended to do is incentivize the creation of new
21 capacity elsewhere. That said, we are limited by--
22 by zoning and other siting requirements on where new
23 transfer stations can go. So we can't just open new
24 transfer stations in every district. Although, you
25 know, certainly happy to have conversations with

2 council about how-- how that industry could-- could
3 change going forward. But we're certainly, you know,
4 seeing interest from-- from some potential transfer
5 stations in improving the facilities that they
6 operate, enclosing facilities that have not
7 previously been enclosed, investing in new machinery
8 and equipment.

9 So those are the kinds of changes that we want to
10 see. We want to see not only more equitable
11 distribution of this burden across the city, but also
12 just better actors and better facilities that are
13 relying less on truck-- truck export, doing more
14 recycling, treating workers better.

15 So I think that's what that's what waste equity
16 starts the process of, and we certainly look forward
17 to working with the Council on further changes to
18 that.

19 CHAIRPERSON NURSE: Right. That's-- that's why
20 we're-- we've introduced the bill around commercial
21 waste transfer stations, because there are facilities
22 that are well-run, that could be part of the solution
23 to what you're raising.

24 I'm going to pass it to Councilmember Restler.
25

2 COUNCILMEMBER RESTLER: Thank you so much Chair,
3 Nurse for your exceptional leadership of this
4 committee and on this issue. And, you know, we're
5 fortunate to be joined by your predecessor, today,
6 another champion from North Brooklyn, who previously
7 Chaired the Sanitation Committee, Borough President
8 Reynoso, who of course was a lead sponsor on this
9 bill, and Councilmember Gutiérrez was his Chief of
10 Staff, and with him every step of the way. He also
11 was the lead sponsor on the Waste Equity Bill, and
12 many other key pieces of legislation, as you
13 remember, Greg, because you were there negotiating
14 with us.

15 But I do believe Commercial Waste Zones was the
16 single most important bill that Then-Councilmember
17 Reynoso passed.

18 And let me just start-- well, I'll say, I have an
19 enormous amount of respect for leadership at the
20 Department of Sanitation. I greatly appreciate your
21 work. We're fortunate to have somebody as sharp as
22 Commissioner Tisch leading the agency.

23 I do want to just ask, Deputy Commissioner
24 Anderson, the same question I asked you at the last
25

2 hearing when I buttonholed you: How many years have
3 you been working on this issue?

4 DEPUTY COMMISSIONER ANDERSON: Coming up on nine
5 next month.

6 COUNCILMEMBER RESTLER: Nine next month. There
7 was an agreement between the previous administration
8 and the city council on the terms of Commercial
9 Wastes Zones in the first de Blasio term, many, many,
10 many years ago. And here, we are still waiting for
11 implementation.

12 I think we're talking a lot about what we don't
13 know. There's a lot of speculation about cost. But
14 I think it's important to just take a moment to
15 recognize what we do know: That this bill will make
16 an enormous difference in advancing environmental
17 justice, and worker Justice, and safety in our
18 communities. We will absolutely improve the safety
19 conditions for workers. I fully expect we will
20 improve compensation for workers. We will reduce--
21 we will increase the amount of recycling and organics
22 that are collected in New York City. We will reduce
23 the amount of truck miles traveled. These are
24 deliverables that will be achieved when Commercial
25 Waste Zones are finally implemented.

2 But there's been a lot of talk about speculation
3 on cost. But I don't see the data to back up the
4 speculation on cost increases to small businesses.
5 What data do we have Commissioner that are-- that's
6 informing your insistence that costs are going up for
7 small businesses?

8 COMMISSIONER TISCH: First of all, you're
9 mischaracterizing my remarks, I think. I have not
10 insisted that small businesses are going up. I have
11 said very clearly that price increases are among the
12 top existential threats to this program that could
13 undermine years worth of advocacy by yourself, by
14 lots of others, and a decade's worth of hard,
15 brilliant work by Deputy Commissioner Anderson on
16 getting this program done, and I don't want that to
17 happen on my watch.

18 COUNCILMEMBER RESTLER: Neither to I.

19 COMMISSIONER TISCH: And my focus on keeping
20 prices down, and doing everything that I can to keep
21 prices down has not affected the timeline, except
22 for: I introduced a two-and-a-half-month best-and-
23 final-offer period, which hadn't been contemplated,
24 so that we could follow the very basic standard
25 procurement process of asking carters to give us

2 their best pricing. All of the other work that we
3 have done around pricing, which has been thoughtful
4 and voluminous, has happened in parallel, while all
5 of these other steps were going on, and has not
6 introduced a new timeline whatsoever. I would
7 further say--

8 COUNCILMEMBER RESTLER: But we have had
9 significant delays.

10 COMMISSIONER TISCH: I would further say that the
11 timeline that the last administration gave this
12 council for when this was going to be rolled out was
13 wildly unrealistic. Perhaps it was optimistic, but
14 it wasn't realistic.

15 I'm a very realistic person. You know me. We've
16 worked together a very long time. I get things done.
17 This mayor has told me get things-- get this done.
18 We are getting it done. We are getting it done in a
19 realistic way on a very clear timeline. I have said
20 to your colleagues that some of the things that are
21 going to happen over the next year plus are out of
22 our control.

23 But it was not realistic to think that the city
24 was going to go through a procurement for 65
25 contracts that are going to be with the city for

1 decades to come in under a year. It wasn't going to
2 happen. You know that. You know, to get a single
3 contract in place can take more than a year to do.
4 Here, we're talking about 65.
5

6 And so, we have made this a priority, scoring
7 these proposals, doing it fairly, negotiating with
8 the vendors. We are not delaying. We are not
9 stalling. We are being absolutely transparent and
10 realistic about what it's going to take.

11 COUNCILMEMBER RESTLER: I appreciate the answer,
12 Commissioner Tisch, and appreciate your
13 thoughtfulness about trying to keep cost down for
14 small businesses. That's a goal that we certainly
15 all share.

16 But it's important to recognize: Nine years
17 after Deputy Commissioner Anderson began working on
18 this project, seven years after we had agreed-upon
19 terms between the Council and Administration on
20 Commercial Waste Zones, we're still three years away
21 from implementing it citywide.

22 So that is an extremely slow timeline. We have
23 suffered meaningful delays, many prior to your
24 arrival as Commissioner of the Department of
25 Sanitation, but delays all the same that undermine

2 the worker justice, environmental justice goals that
3 are implemented in this law.

4 The thing that I just want to emphasize is that
5 you have not yet had the opportunity to review the
6 RFP responses. We do not yet know what carters have
7 come back to the administration on, and what the
8 price point that they are suggesting on.

9 COMMISSIONER TISCH: I've been very clear about
10 that.

11 COUNCILMEMBER RESTLER: I understand. I
12 understood. You have. I just mean to say: We don't
13 know that there are negative cost implications for
14 small businesses. I appreciate your thoughtfulness
15 in trying to mitigate any potential increases, but we
16 have no data at this time to show that small
17 businesses are going to suffer or face additional
18 costs challenges from this from-- this law. And I'm
19 confident that the offsets that are built into this
20 law are going to mitigate the increases that would
21 have otherwise been-- been imposed upon--

22 COMMISSIONER TISCH: What is your confidence
23 based on? Sorry. I'm not supposed to ask you
24 questions.

25 CHAIRPERSON NURSE: Thank you.

2 COUNCILMEMBER RESTLER: It's always good to see
3 you though commissioner. I'm happy to continue the
4 conversation. But I don't want to-- if the Chair
5 will allow.

6 CHAIRPERSON NURSE: I mean, if you-- if you want
7 to ask a question? Because I think you've delivered
8 your point.

9 COUNCILMEMBER RESTLER: Okay. I'm good.

10 CHAIRPERSON NURSE: : Okay, thank you.

11 Councilmember Gutiérrez, did you have one final
12 question?

13 COUNCILMEMBER GUTIÉRREZ: Thank you. My
14 question, Commissioner, is, as much as you can share
15 about kind of your initial review of that first set
16 of RFPs. I'm curious, because I know that DSNY can--
17 can consider histories of bad actors. I'm curious if
18 that-- if you've worked in weighing in carters who
19 are applying who have a consistent record of being
20 bad actors, and specifically, if there's a different
21 weight for those carters who also own transfer
22 stations as well, because they know the transfer
23 station piece is not baked into the bill. And then
24 lastly is: If you can speak on the worker piece,
25 what the agency is doing to promote hiring second

2 chance workers and other-- eliminating other barriers
3 to employment under Commercial Waste Zones. Thank
4 you.

5 COMMISSIONER TISCH: Two quick things. First,
6 we-- I have not seen any of the proposals. There are
7 two teams working sequentially. The first team was
8 the team that was looking at each of their proposals,
9 and doing a very detailed analysis, not to score it,
10 but to make sure that all of the information required
11 under the RFP was submitted as part of the response,
12 so that we didn't want it to get to a place where we
13 were going to have to eliminate potential proposers
14 for silly administrative errors. So that was the
15 first group. They-- I-- they are not supposed to
16 talk to anyone about price. Like, I don't know
17 what's going on with price.

18 The second group of proposers, or the second
19 group is a group that's actually doing the scoring of
20 the proposals. They will look at price. They will
21 make their determinations. But I don't know the
22 outcome of that. I don't know, like--

23 COUNCILMEMBER GUTIÉRREZ: But you don't have a
24 sense if the applicants who are-- who demonstrated
25 consistent bad behavior, if they will be-- if those

2 proposals will be weighed differently. You can't
3 show yet?

4 COMMISSIONER TISCH: Oh. Yeah. Yes.

5 COUNCILMEMBER GUTIÉRREZ: That was my question.

6 COMMISSIONER TISCH: Yes. Greg, do you want to
7 go through how that's accounted for in the weighing
8 process? I'm sorry, I missed that.

9 COUNCILMEMBER GUTIÉRREZ: No, no. No worries.
10 Thank you.

11 DEPUTY COMMISSIONER ANDERSON: Yeah. Thank you,
12 Councilmember. So as the Commissioner mentioned, you
13 know, these are incredibly voluminous proposals. One
14 of the reasons they are so voluminous is because
15 we've asked for a tremendous amount of compliance
16 history, financial history, and other similar
17 information from each of the proposers. So we are--
18 we are asking the evaluation committee to look at
19 that in detail. We've built some tools to help them
20 understand, you know, how the carters compare to each
21 other, how carters are different sizes can compare to
22 each other. So certainly that's something that
23 they're looking at when they're evaluating the
24 overall capacity, operations, and compliance history
25 of those proposers.

2 COMMISSIONER TISCH: And I just want to apologize
3 to you Councilmember. I completely blanked that you
4 were the Chief of Staff to Then-Chair Reynoso. So
5 thank you so much for your efforts, and getting us
6 here.

7 CHAIRPERSON NURSE: Jen knows what she's talking
8 about.

9 COMMISSIONER TISCH: I know.

10 COUNCILMEMBER GUTIÉRREZ: Thank you. And also,
11 if I could shout out the DSNY workers of Garage 4.
12 They're doing a great job. I have a video that I
13 want to share with you. They're doing a great job.
14 Thank you.

15 COMMISSIONER TISCH: Please do. Thank you.

16 CHAIRPERSON NURSE: Thank you. And I just-- I
17 just wanted to say I certainly didn't mean to shut
18 down Councilmember Restler. I share his concerns
19 about an overemphasis on price. I think it will be
20 helpful when we get to that place where you have that
21 information where we can talk about that. But I
22 think the whole point of this hearing is to
23 understand what is the communication and messaging
24 strategy that's happening around CWZs-- around the
25 CWZ, because so many people in this room have reached

2 out to DSNY, to us. They're asking the BIDs.
3 They're asking everybody, "What is going on? We
4 don't understand what's happening." And in that
5 communication vacuum, all sorts of imaginations
6 happen, right? And so a narrative that there-- there
7 could be wild price increases. Let's avoid that by
8 over-communicating to the business community where we
9 are, which is the point of this hearing: To open up
10 the conversation so that people aren't spiraling in
11 some wild space about this potentially falling apart.

12 So as I mentioned, agree-- like, we thank you for
13 holding that-- the anxiety of that. And this is an
14 opportunity to air things, but I just want to make
15 sure that Councilmember Restler knows that we
16 certainly support his-- his comments.

17 I only have two more questions. And then we have
18 a bunch of folks that are testifying. And I'm going
19 to call up Borough President Antonio to be on deck to
20 testify.

21 Just in terms of-- we have commercial organics
22 law in different pieces, and hopefully this will
23 complete the, whatever we're saying, it'll fill it
24 up. So we're able to-- everybody can do the thing
25 that we all want to be doing.

2 But Councilmember Salamanca's questions made me
3 think again about the questions that we've had about
4 the just residential organics. In terms of our
5 capacities across public and private facilities, do
6 we have enough? Should this CWZ program be, on top
7 of the residential program, be wildly successful,
8 which we hope it will be given all of the extensive
9 outreach that's going to be done, do we feel-- do you
10 feel that there is enough capacity, facility capacity
11 to take all of this this stuff and not impact the
12 waste equity laws negatively?

13 COMMISSIONER TISCH: I-- for the residential
14 program?

15 CHAIRPERSON NURSE: For everything. If
16 everything is up and running.

17 COMMISSIONER TISCH: Right. We'll start with
18 residential. For the residential program, we've done
19 a detailed analysis. We have the capacity. I would
20 like to have other options and opportunities. So we
21 are doing the work now to explore those options and
22 opportunities, and potentially put new options and
23 opportunities in place, so that by the time we have
24 the full rollout we can leverage those. Deputy

2 Commissioner Anderson, for the commercial side, can
3 you speak to the to the Chair's questions?

4 DEPUTY COMMISSIONER ANDERSON: Yeah, absolutely.
5 So as of right now, there is surplus capacity in the
6 system. Some of that surplus capacity will be used
7 up by our wildly successful residential program,
8 which will resume in Queens next month, and expand to
9 Brooklyn in the fall. Some of that capacity will be
10 used by the commercial carters.

11 As part of the RFP process, we released what's
12 called a request for expressions of interest. And
13 that was specifically aimed at all of the players in
14 the waste transfer processing recycling market asking
15 for capacity that's available in the system now,
16 capacity that may be available in the future,
17 projects that are under development, projects that
18 need financing, and put all of those together in one
19 place, so that we can say to the industry, "not only
20 here is what is available today, but here's what
21 could be available in the future."

22 As we go through the RFP process we are going to
23 be -- not "we" but the evaluation committee -- will
24 be looking at the specific proposals, where they're
25 planning to take their refuse, their recycling, their

2 organics, and whether or not those facilities exist
3 today are in development, our potential investments
4 in the future, and look at all of those things
5 comprehensively. I think what we have seen over the
6 last five years, ten years is tremendous investment
7 in regional capacity for processing organics. That's
8 the basis by which we increased the number of
9 businesses covered by the commercial organics law,
10 and we expect to see additional regional capacity
11 expand in the future.

12 CHAIRPERSON NURSE: Okay, thank you. One more
13 question, and then-- I have to ask one more question
14 or-- I know you're going to go crazy.

15 Is DSNY committed to ensuring lower rates for
16 recycling organics, given the removal of the 30
17 percent lower rates language in the RFP and it being
18 removed?

19 COMMISSIONER TISCH: Yes. Yes, absolutely. And
20 the RFP still requires a lower rate for recycling and
21 composting then refuse. The 30 percent number was an
22 artificial number. Based on the briefings that I
23 got, it does not seem like there was real analysis
24 used to come up with that number. And I thought that
25 it was an important thing to do, to make sure that

2 the recycling and composting prices remain cheaper
3 than refuse pricing, but I didn't want to give an
4 artificial percentage cheaper.

5 CHAIRPERSON NURSE: Okay, thank you. Okay, so
6 you didn't comment on the Bottle Bill, but I do have
7 some questions. The resolution calls for the
8 expansion of the number of containers and increase of
9 the deposit amount.

10 Does DSNY view a modernized Bottle Bill as a key
11 part of our efforts to move toward zero waste?

12 COMMISSIONER TISCH: I would like to see one
13 thing included in the Bottle Bill that I-- that's not
14 in the existing one, and that I haven't seen in the
15 new language for an update to a Bottle Bill, which
16 is: For our diversion rate, we get no credit for any
17 of those bottles. The city doesn't. And I would
18 like to see a requirement on the redemption centers
19 to report their volumes in some holistic, clear way,
20 so that we can include those efforts as part of our
21 diversion rate. I think that is reasonable. I think
22 it would not be a massive lift for the redemption
23 centers. And frankly, I think it's required. If
24 we're going to talk about amending or updating the
25 Bottle Bill that is something that is like glaringly

2 missing, and many other cities include those figures
3 in their diversion rates. I don't think it's going
4 to raise the diversion rate by fifty percent or
5 anything, don't get me wrong, but it's a meaningful
6 amount of material that's-- that's diverted.
7 Otherwise, we wouldn't be doing a Bottle Bill.

8 CHAIRPERSON NURSE: So you're saying you just
9 want more data on it?

10 COMMISSIONER TISCH: I want the redemption
11 centers that-- where the bottles are brought to to
12 have to report to the City, to the Council. I don't
13 care where they have to report to, but I want data on
14 how many bottles, how much stuff are they diverting?

15 CHAIRPERSON NURSE: Okay. Seems reasonable.

16 COMMISSIONER TISCH: Right?

17 CHAIRPERSON NURSE: Okay. I think we've got
18 through all the questions we could get through, so
19 that we can make space for people, so you're not here
20 all day.

21 Thank you, Commissioner, Deputy Commissioner.

22 Thank you. I'm sorry, we didn't hear you--

23 COMMISSIONER TISCH: First Deputy.
24
25

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
1 Jointly with the COMMITTEE ON SMALL BUSINESS 111

2 CHAIRPERSON NURSE: First Deputy. I'm still
3 learning. I'm sorry. But thank you for your
4 testimony today.

5 I'm going to call up Brooklyn Borough-- actually,
6 I don't have my panel list. I'm sorry. Let me see
7 if I can find it.

8 So Antonio, excuse me, Borough President, when
9 you're ready, please join us.

10 COUNSEL: So for the first panel is Brooklyn
11 Borough President Reynoso, Eric Goldstein, and Justin
12 wood.

13 CHAIRPERSON NURSE: I also just want to recognize
14 Councilmember Jim Gennaro in the house. Do you have
15 a question or anything?

16 COUNCILMEMBER GENNARO: No. I just wanted to say
17 hello.

18 CHAIRPERSON NURSE: Thanks for being here.

19 COUNSEL: Apologies. One more addition to the
20 first panel. It'll be Bonacio Crespi.

21 CHAIRPERSON NURSE: Is last name Crespi here?
22 Okay.

23 We can start when you're ready.

24 BOROUGH PRESIDENT REYNOSO: First, I want to say
25 thank you to our Chair of Sanitation, Councilmember

1 Sandy Nurse, for this great hearing, this timely
2 hearing. This is my first time testifying in person
3 in the city council. So it's-- it's kind of a
4 whirlwind to be on the other side here. But
5 extremely, extremely happy because I couldn't be
6 prouder of the folks that are sitting up on that
7 dais, the questions they asked, and how I feel like
8 one of my legacy projects is in good hands with the
9 Councilmembers that are here today. With-- again,
10 with the questions that they asked.

12 I had testimony, but after listening to the
13 Commissioner speak, and to the First Deputy
14 Commissioner speak, I just wanted, like, to address
15 some of the concerns that I had about a couple of
16 things that I was-- was listening to.

17 I think, Chair Nurse, when you talked about the
18 narrative related to pricing and the concerns that
19 businesses have, it's absolutely true. Right now,
20 there are folks I have great relationships with in
21 the restaurant industry, in the supermarket industry
22 who are deeply concerned, almost exclusively related
23 to price. And the messaging and the information that
24 we're getting from this hearing is going to
25 exacerbate-- is going to make that worse. It is

2 going to make it so that they are going to double
3 down on the fact that they think that this was a
4 mistake to begin with. And it just concerns me,
5 because I think we could have a conversation about
6 costs in a more reasonable way that speaks to our
7 concerns, but allays the fears of the business
8 industry that we're doing everything possible to not
9 have that be the case.

10 Also, First Deputy Commissioner Gregory Anderson
11 practically wrote this legislation alongside our
12 office. I want to be very clear, the reason it's a
13 great piece of legislation is because of the
14 collaborative effort that we had with the Department
15 of Sanitation. We were ready for all of the concerns
16 or errors that could possibly exist. We were ready
17 for that. Everything that we did in that bill was
18 intentional, to keep prices down, to allow for
19 progress in other areas that were completely
20 nonexistent.

21 And I want to talk to you about pricing in
22 general. The reason pricing in the city of New York
23 was so low was because there was a race to the
24 bottom. You have to understand that the reason
25 businesses were paying a low amounts was because they

2 weren't paying workers. Workers weren't wearing
3 safety vests. They had to buy their own safety
4 vests. Workers were getting paid off the books.
5 Workers were dying, and companies weren't
6 acknowledging it. Trucks had no brakes. We have
7 some trucks that were still here from the 1970s, 80s,
8 and 90s running through our streets. That's why
9 prices were low.

10 This legislation is specifically aimed to start
11 addressing all those issues. And that doesn't come
12 for free. It doesn't. And I'm not saying that costs
13 will go up. I want to be very clear. But everything
14 else we're doing is worth us having a conversation
15 about moving this program as fast as possible.

16 Also, when it comes to minimum wage, or minimum
17 pay, that we can give these workers, you on this
18 dais, would never have a conversation about the
19 minimum wage of a McDonald's worker threatening the
20 burger to go up 25 cents, it just wouldn't.

21 Environmental Justice comes at a price. And
22 that's exactly what we were willing to do. We're
23 willing to make that sacrifice. But we implemented
24 certain things within the legislation to protect
25 against that, including competition. We assumed that

2 there would be about 40 to 50 applicants that would
3 be eligible for these zones. There are about 65
4 zones, but we expected folks like Action Carting,
5 which is an extremely large company that has on-- on
6 the merits have been doing things right: New trucks,
7 paying workers, giving them safety equipment,
8 letting-- allowing for unionization to happen in a
9 responsible way. Those folks can get two, three,
10 four, or five zones. So we're not expecting one zone
11 per carter. There's going to be competitions within
12 that. We protected against that. We're ready.

13 And then the conversations I'm having internally
14 with folks is that cost is not the biggest concern
15 that folks are having. It's the transition. They
16 need to know what they're going to do right now, so
17 they can start preparing for the future. The trucks
18 that they would need to purchase, would take 15 or 16
19 months for them to get, but they can't buy new trucks
20 if they don't know what they're going to be working
21 on, or where they're going to be working. So
22 transition is the biggest concern they have.

23 I want to just-- 50 percent of the trucks off the
24 road is not a light-- a light accomplishment. That
25 is significant. Significant. It's going to cut

2 significant amounts of air pollution in the South
3 Bronx, North Brooklyn, and Southeast Queens.

4 I kind of want to leave it there. Because I
5 would love to-- for you to ask questions, and I
6 answer questions that you might think are meaningful,
7 but I just want to get back to: Justice isn't free.
8 Like, you got to fight for that. And you guys are
9 now talking about legislation to allow for trash to
10 go into the MTSs. That's-- that's more expensive
11 than the waste transfer stations. It is. Are you
12 going to sacrifice that bill, because you don't you
13 don't want to increase the cost of what it is to go
14 into those MTSs. And I don't think you should. I
15 think you should do what's right. And doing what's
16 right sometimes costs businesses money, even though
17 again, it's all speculation at this point.

18 Thank you so much for allowing me to testify
19 today.

20 CHAIRPERSON NURSE: Thank you so much, Former
21 Chair, Borough President. You're holding a lot of
22 knowledge of how this all went down. And so we
23 really appreciate you being here, and I'm lucky to
24 have Jen over here as well who was witness to it all
25 up front. So we'll hear from the other two, and then

2 we'll have-- if folks have questions, we'll bring
3 them up.

4 MR. GOLDSTEIN: Thank you Chairs Nurse and Menin,
5 and Borough President, and Councilmember Gutiérrez
6 and Gennaro. I'm Eric Goldstein from the Natural
7 Resources Defense Council. The mold-breaking statute
8 that many of the folks in this room helped advance
9 envisions a once-in-a-generation transformation of
10 the system of waste handling in the nation's largest
11 city for commercial waste. And if it's implemented,
12 it will ultimately be viewed as having launched the
13 most significant change in New York solid waste
14 policy in 30 years.

15 But the law is not self-enforcing, and it's going
16 to continue to take priority attention, both from the
17 department in terms of resources, manpower, and
18 attention, as well as from this committee-- these
19 committees to ensure that the objectives of that
20 landmark statute are met.

21 The current system, just to recap, for commercial
22 waste handling in New York City has for decades been
23 completely broken. As the Borough President just
24 said, as many as 90 privately-owned carting companies
25 racing around the city in an irrational, nonsensical

2 routing scheme. Some routes have required as many as
3 1000 stops in all five boroughs on one 12-hour shift.
4 Some neighborhoods have had more than two dozen
5 separate carters driving to stores on the very same
6 block. Pedestrians have been endangered. Conditions
7 for day workers have been poor. Private carters have
8 relied on land-based transfer stations located
9 disproportionately in overburdened communities of
10 color, and this dangerous and irrational system has
11 been a long-running nightmare for environmental
12 communities, especially in the South Bronx, North
13 Brooklyn, and Southeast Queens.

14 This system doesn't just need small adjustments.
15 It needs a complete top to bottom remake. And that's
16 exactly what Local Law 199 promises to provide.

17 The advantages are numerous and far reaching. I
18 detail them in my written testimony. But just one
19 fact illustrates this: According to the 2016
20 sanitation department study itself, reductions of up
21 to 18 million miles a year in reduced commercial
22 diesel truck traffic are expected. That's the
23 equivalent of taking trucks off the road that would
24 travel to the moon and back 36 times every year, moon
25 and back.

2 Minimum standards for health, safety, labor in
3 the environment for the first time: The people in
4 this city deserve nothing less than the reforms
5 envisioned by Local Law 199. Unfortunately,
6 implementation has been delayed. The statute
7 required among other things that by September 2020,
8 and annually thereafter, the commission shall issue a
9 report regarding implementation of the Commercial
10 Waste Zone program for each month in the previous
11 year, indicating that the Council's intent was that
12 the program be up and running without undue delay.

13 But today nearly three and a half years after
14 Local Law 199 took effect, actual awarding of
15 contracts for the new waste loan program has yet to
16 take place.

17 To be sure the COVID-19 epidemic and its
18 aftermath are responsible for much of the delay, and
19 the Commissioner's testimony today provide some
20 assurance that the statute will ultimately be
21 implemented successfully. But time is marching on
22 and it's essential that final implementation steps
23 advance expeditiously.

24 So for all these reasons, we support Intro 933
25 Which would establish a Commercial Waste Zone working

2 group. We believe there are ways to modify the
3 composition of the working group to address the
4 commissioners legitimate concerns of actual or
5 apparent conflicts of interest.

6 A related reform initiative is rapidly advancing
7 the use of the city's modernized Marine Transfer
8 Stations. These have been discussed as potentials to
9 handle commercial waste going back even before the
10 2006 Solid Waste Management Plan. It's been two
11 decades in discussion. We've spent a fortune to
12 rebuild those stations. Two have them, as the
13 Commissioner testified, have excess capacity, and we
14 need to find a way to get some commercial waste to
15 those facilities.

16 So we enthusiastically support 493, which would
17 formally require the department to submit a plan for
18 accepting commercial waste at these Marine Transfer
19 Stations. The department should study the issue and
20 identify ways to encourage and incentivize the use of
21 Marine Transfer Stations, not just wait to sit back
22 and see if the private carters have any interest in
23 using them.

24 Finally, we favor the adoption of Resolution 167.
25 We hope you have another hearing on this issue

2 because we think just airing these issues, and the
3 transparency that the department has shared today is
4 very worthwhile. We encourage you to bring them back
5 in the fall. Thank you for your attention.

6 MR. WOOD: Good afternoon. I'm Justin Wood. I'm
7 the Director of Policy at New York Lawyers for the
8 Public Interest. We're also a founding member of the
9 Transform Don't Trash New York Coalition that has
10 been working with so many of the elected officials,
11 and advocates, and workers here to implement-- pass
12 and implement Local Law 199.

13 Thank you very much to Chairs Menin and Nurse,
14 and Councilmembers Gutiérrez and Gennaro for hearing
15 our testimony. We'll submit a complete written
16 document.

17 I think especially because the theme of this
18 oversight hearing is the impact on businesses, I just
19 wanted to focus on a few of the things that were
20 touched upon. But in some ways, I don't think these
21 got enough discussion. And one -- and thank you,
22 Chair Menin, for bringing this out -- currently,
23 businesses, especially small businesses, completely
24 in many cases, lack recycling, and composting and
25 accessible food donation options, and implementing

2 Local Law 199 Commercial Waste Zones as robustly and
3 swiftly as possible is the best way to bring all of
4 that together, so that every business in New York
5 City can be held to the same standard that businesses
6 are held to in so many other cities where their
7 diversion rates, even during the pandemic -- I just
8 check the rates yesterday -- are double or even
9 triple what we've been doing in New York. And we
10 understand all too well, you know, coming out of this
11 60-55 degree very pleasant winter week, as our
12 state's Climate Council says, waste is 12 percent
13 more than previously thought of the emissions pie.
14 And it's one that we as New York City can do
15 something about.

16 I think the opportunity -- and thank you to the
17 Sanitation Department and the Mayor for the
18 announcement that curbside composting on the
19 residential side is going to be expanded -- this is a
20 huge opportunity to have one set of practices, one
21 set of rules, so that New Yorkers, whether they're a
22 business owner, or just a customer in a business, or
23 someone at home, or in a public space, can figure out
24 "What do I source-separate, what gets recycled?", and
25 start to build some public faith in the system.

2 Because right now, you can recycle at home, but when
3 you go into too many businesses, you don't know
4 what's going on. And we can see it. Actually we can
5 see and smell what's going on, which is that there's
6 tons of edible food, in many cases going into black
7 bags for collection at night on the commercial side.

8 So this is a huge opportunity to create a uniform
9 common sense set of recycling practices that all New
10 Yorkers can adopt across public and private sectors.

11 Just a couple of other things. I mean, it's
12 reassuring as-- as others said, to hear that there's
13 a timeline shaping up for implementation. It's much
14 slower than we would have liked to realize all the
15 benefits of this law.

16 We also need this as expeditiously as possible, I
17 dare say for-- for folks in the hauling industry, the
18 private sanitation and recycling industry, many of
19 whom are here, because they need certainty, to
20 create-- to build-- to make the investments that are
21 needed in better facilities, all of the recycling
22 capacity, cleaner trucks, safe conditions for
23 workers. They need that certainty to make those
24 investments, and we as a city need that to create

2 thousands of good family-sustaining jobs across the
3 city.

4 So the longer we delay, the longer we're
5 forestalling much-needed, long-overdue investment in
6 a sustainable waste system.

7 Finally, we strongly support Intro 493 that would
8 begin to create a plan to direct some commercial
9 waste to the marine transportations. Those are a
10 great example of where we've made public investment
11 and better, safer, unionized facilities. And now we
12 need to fully utilize them to take additional truck
13 miles off the road in the new CWZ system, and
14 especially bring some relief to the environmental
15 justice communities that get far too much of that
16 truck traffic. Thank you very much. We'll present a
17 full written statement.

18 CHAIRPERSON NURSE: Thank you. I have one
19 question, and then I'll turn it over to Councilmember
20 Gutiérrez. And if anyone else has any questions, let
21 me know. And Councilmember Gennaro as well.

22 I guess this is a question for you, Borough
23 President. One of the things we've also heard is so
24 many carters saying, "We don't know what to do. We
25 have heavy equipment, facilities, yards, trucks

2 compactors. We just have stuff all over the place.
3 And we don't know how this is going to move. And
4 we've received no communication." Based on
5 everything you heard today, what-- what more do you
6 think needs to happen, based on the concerns you're
7 hearing to assure folks, or give them something that
8 they can move with?

9 BOROUGH PRESIDENT REYNOSO: It's concerning. The
10 transition, here's my biggest concern. I do want to
11 acknowledge Chair Menin. I'm sorry. It's a
12 sanitation hearing, but obviously it's also a small
13 business hearing. I want to acknowledge you, and
14 thank you so much for your questions and your
15 thoughtfulness here.

16 It's concerning. I don't know exactly what to
17 do. This delay has put us in a-- it's a strain on
18 the folks that we expect to carry this load for us,
19 which are these, also small businesses in the carting
20 industry. They are-- there's investments, there's
21 loans, there's infrastructure that they need to start
22 getting to work on. The longer we take to tell them
23 that they have-- that they have a contract with the
24 city and allow them to start the process of building-
25 - getting capital and building up that can take

2 another two years, right? So for me, it's just
3 getting to the point where everyone knows we need to-
4 - we can't have the pilot program. Everyone's going
5 to know at the same time. And after they all know,
6 we can start the process of allowing them to build
7 up. The longer we take to let them know, the harder
8 it's going to be. Trucks that they bought two years
9 ago might be offline by then. The longer we take,
10 again, it's going to make it harder for them. It's
11 going to delay the whole process.

12 And my biggest concern is if we delay this
13 process, and there are any hiccups, is going to give
14 folks on the outside, people that want to shut this
15 down, and opportunity to say, "Hey, they couldn't get
16 it right. They couldn't do it." It's because of
17 these delays, the uncertainty we've left these
18 companies with. That's my biggest concern. And I
19 don't know how to address that outside of giving the
20 contracts out as soon as possible, letting people
21 know who won these RFPs so they can start building.

22 CHAIRPERSON NURSE: Yeah, I mean, we left-- we
23 asked, you know, is there more capacity you could use
24 or benefit from to bring more people on and blitz
25 these contracts out? And there seems to consistently

2 be over the last year, the-- the response, "We have
3 what we need." Well, you have what you need to move
4 at a very slow pace. But there's no creativity in
5 saying, "Actually, if we doubled the amount of people
6 we have reviewing this, we could move this along
7 further." So that's just one thing I wanted to
8 offer.

9 CHAIRPERSON MENIN: Oh, I just wanted to first of
10 all thank the panel for their testimony, because you
11 all were in the trenches doing this work. And you
12 know, we really, really appreciate it.

13 I want to ask for your assistance on the outreach
14 to small businesses, because my concern is you saw
15 from my questioning is that the outreach to small
16 business community hasn't happened yet. It's an
17 enormous hurdle that we have to overcome. And so I
18 look forward to your feedback and partnership as we
19 make sure that small businesses know what's ahead for
20 them.

21 BOROUGH PRESIDENT REYNOSO: Absolutely. We will
22 be there. And just to finish off with Councilmember
23 Nurse, or Chair Nurse. You mentioned the staffing
24 issue. I think that the-- the Commissioner of
25 Sanitation is being overly-- overly cautious, and

2 just being very responsible, like overly responsible,
3 almost to paralyzation, right? Like so careful and
4 so concerned that you don't end up moving anything.

5 And we-- in some of these cases, you just need to
6 move on it. And the sky never-- I've been-- I was
7 doing this for eight years. Before that, I was with
8 five Councilmember Diana Reyna for eight years. I've
9 been a borough president for two years. The sky
10 never fell on this city, on any piece of legislation
11 we've ever implemented in the entire timeline. The
12 sky never falls. We're New Yorkers. We're
13 resilient. And this trepidation, this-- this worry
14 really concerns me. It's like, "We are bold, we'll
15 figure it out." And if cost is a concern, we can
16 come back. We can have a conversation. We can amend
17 laws to make sure we fix problems. But this idea
18 that we're just going to keep holding back and being--
19 - move as slowly as possible in an effort to be
20 overly careful I think is hurting us.

21 CHAIRPERSON NURSE: Thank you. Councilmember
22 Gutiérrez?

23 COUNCILMEMBER GUTIÉRREZ: Thank you Chairs. And
24 thank you Borough President for bringing us back,
25 really-- really reminding us why Commercial Waste

2 Zones were important not just for bringing dignity
3 into our EJ communities, but bringing dignity to
4 workers in this industry, bringing a standard that
5 didn't exist, and certainly transforming an entire
6 industry that remained largely unchecked certainly
7 needs an investment. So I just want to thank you and
8 uplift that. My question to you is: I also agree
9 with you. I want to be very careful about the way
10 that this Council specifically, kind of, contributes
11 to this narrative about increased costs. Because we
12 are moving at a snail's pace, because we are moving
13 with so much trepidation and so much fear.

14 And so I thank you for reminding everybody that
15 this all is an investment to reaching our climate
16 goal-- our climate change goals, to uplifting an
17 industry, to creating worker protections and
18 codifying that. My question to you is: The
19 commissioner said, when I asked her the question
20 about costs and fear of cost increase, she-- she
21 highlighted the fact that we had 34 applicants. Now
22 to Chair Nurse's point, that also happened because
23 there were mergers and a lot of bad actors that need
24 not apply, right? So in your opinion, what is-- what
25 would have been a creative and responsible way for

2 the Department to incentivize more applicants in
3 time, or what is in your opinion, a better way-- what
4 would have been a better way for them to create a
5 better space for more for carters to apply, for them
6 to start gearing up? Because it just felt like her
7 response was like, "Well, we didn't have as many
8 people as we wanted, necessarily."

9 BOROUGH PRESIDENT REYNOSO: I think-- I think the
10 responses are a reflection of the type of companies
11 in the city that are capable of doing this work to
12 the standards that we expect. We want to get as
13 close as possible to the standards of the Department
14 of Sanitation.

15 The workers working in action should be getting
16 paid, should be getting the same equipment, the same
17 standards that the Department of Sanitation gets.
18 And the people, the 34 applicants, are the only ones
19 that could get to achieving that. So the smaller
20 numbers should not be something that scares us. What
21 we're doing is empowering, and giving contracts out
22 to folks that get it. So it is not a concern for me.

23 Also, there's a rate cap on all this as well. We
24 can only charge so much. They can't go past a
25 certain limit. So worst case scenario, they get to

2 the max of the rate cap. So it's just like these
3 concerns is just-- I don't understand it. The worst
4 case scenario is the max of the rate cap. And if
5 that is the worst case scenario, and you're-- and you
6 think it's too high, then let's talk about that. If
7 not, and the rate cap is perfectly fine, then let's
8 move forward with it.

9 So again, I think having less is not a problem.
10 We're going to have better people here, not worse.
11 I'm really excited about it.

12 COUNCILMEMBER GUTIÉRREZ: I love all of that.
13 Thank you.

14 BOROUGH PRESIDENT REYNOSO: Absolutely.

15 CHAIRPERSON NURSE: Yeah. And the rate cap went
16 up already. So it's not like people were, you know--
17 we didn't have a big backlash to that, right?

18 So, yeah, I think we're all in agreement. And I
19 wanted to just double down on your point that we do
20 have companies here, who are large companies, who
21 have years of experience doing the right thing, that
22 are allowed to get up to 15, you know, areas.

23 BOROUGH PRESIDENT REYNOSO: Yes.

24 CHAIRPERSON NURSE: So this is not like we're in
25 a dearth. You know, we were-- we're happy that some

2 folks are out. So I hope we can all collaborate on a
3 better narrative, and a citywide public awareness
4 campaign, tapping into all the ways we're
5 communicating, to talk about how transformative this
6 is going to be, and from-- from the workers angle,
7 from the environmental angle, from our air quality
8 and our quality of life, and just the safety of
9 people on the streets at night.

10 BOROUGH PRESIDENT REYNOSO: Yeah. Mm-hmm.

11 CHAIRPERSON NURSE: I cut out all the gruesome
12 details, because I was like, "I don't want to go hard
13 on that." But I mean, that was real-- real pain
14 people felt so... Yeah, I'm looking forward to
15 holding DSNY accountable to that kind of work. And
16 if they're not able to do that type of public
17 awareness campaign, I think there's a lot of actors
18 here who can do that work.

19 Councilmember Gennaro?

20 COUNCILMEMBER GENNARO: Thank you, Chair Nurse.
21 And it's good to be here with you, Chair Menion, as
22 well.

23 I wish to be associated with remarks of this good
24 panel. I had the-- I had the privilege of serving in
25 the council, with the Borough President when he was

2 Chair of this Committee, and he served with great
3 distinction. And-- and in his capacity as Borough
4 President, he's really doing amazing things, and I
5 appreciate that. And New York Lawyers: Where would
6 we be without the New York Lawyers who have been
7 involved in this issue for so long?

8 And, Eric Goldstein and I were together at the
9 All-Night Solid Waste Management Plan hearing in
10 1992. I think it was like August or something. We
11 didn't have hearings or whatever, but the plan had to
12 get done. And it started at like seven in the
13 evening and like ended like five in the morning, and
14 Steve de Brianza yelling at Stan Michaels, and-- and
15 so I-- this is-- my point is that you know Eric has
16 been, you know, laboring in the vineyard of these
17 issues for so many years and is-- has done more than
18 really anyone I know to-- to, you know, put a
19 crystalline focus on this. It has been a pleasure to
20 work him.

21 I'm adding my name as a sponsor. I would ask the
22 Council Committee to sign me on to 933, and I-- I
23 pledge to support my Chair in any way that I possibly
24 can. And I look forward to many more hearings like
25 this. And I promise to show up on time next time.

2 But I have a good reason for being late if anybody
3 wants to hear it, which you don't.

4 But really privileged to be here and to, you
5 know, bear witness to the great testimony that this
6 panel has provided. Thank you for that. There you
7 have it.

8 BOROUGH PRESIDENT REYNOSO: Thank you so much.

9 CHAIRPERSON NURSE: Thank you, Councilmember
10 Gennaro.

11 Thank you panelists for being here. I appreciate
12 your time. And we will be calling up the next panel.

13 COUNSEL: So the second panel will be Bonacio
14 Crespi, Eric McClure, Alia Soomro, and Dior St
15 Hilaire. zzz

16 Bonacio, you can begin.xxx

17 MR. CRESPI: Good afternoon. My name is Bonacio
18 Crespi, Secretary Treasurer of Local 813. We have
19 been strong supporters of the Commercial Waste Zone
20 since the very beginning. We support worker
21 satisfaction, safety, and favor of sensible routing.

22 Before my post, I worked as a private carter for
23 24 years. I can personally see the positive impact
24 that these bills will have for this city, citizens,
25 and its workers.

2 Antonio Reynosis was absolutely correct with--
3 with the expense of using the Marine-- the Marine
4 Transfer Station. It's true. But the Marine
5 Transfer Station usage would change the landscape for
6 a driver who works in this city. Instead of dumping
7 a load in the outer boroughs or even in New Jersey,
8 they would be 15 to 20 minutes to a dump. It would
9 address a number of problems including distribution
10 of garbage, environmental, fuel, safety, and
11 including the driver stress. I personally hope that
12 these contractors are in favor of unionized labor, so
13 we can have decent wages and a standard across the
14 city for all its workers.

15 I'm keeping it short.

16 CHAIRPERSON NURSE: Well, thank you so much. You
17 have a little more time if you want, but thank you so
18 much for your testimony.

19 MR. CRESPI: It's Okay.

20 Good afternoon. My name is Alia Soomro, and I'm
21 the Deputy Director for New York City Policy at the
22 New York League of Conservation Voters. Thank you
23 Chair Nurse, Chair Menin, and members of the
24 Committees on Small Business and Sanitation and
25 Waste. I have submitted longer written testimony.

2 NYLCV strongly supports the passage of Local Law 199,
3 establishing the city's first Commercial Waste Zones
4 program. Championed by a wide group of stakeholders,
5 this law will overhaul the city's antiquated and
6 inefficient commercial waste management system by
7 dividing the city into 20 zones limiting each zone to
8 a maximum of three private sanitation companies
9 selected through a competitive bid process. However,
10 we're still waiting for the law's full
11 implementation.

12 While we understand the importance of starting
13 off on the right foot and learning from other cities'
14 attempts at overhauling its waste system. It is
15 imperative that the city carries out this law in a
16 timely manner. We urge the city to dedicate the
17 requisite amount of resources and funding for
18 staffing, education, and outreach to fully implement
19 the Commercial Waste Zone law.

20 If implemented effectively, this law could bring
21 us closer to New York City's zero waste goals,
22 improve air quality, curb the city's tailpipe
23 pollution and carbon emissions, cut down on traffic
24 congestion, and improve the safety of workers
25 pedestrians and cyclists. With this in mind, NYLCV

2 supports Intro 493 and Intro 933. We believe both of
3 these bills will will help implement the Commercial
4 Waste Zone law, make it a more transparent process.

5 Together as the city works toward implementing
6 this law, we must also seize the opportunity to
7 require a transition to zero emission vehicles for
8 commercial sanitation trucks, and ensure that
9 adequate charging infrastructure is installed over
10 the coming years by working with utilities.

11 And lastly, the city must continue working
12 towards reducing the amount of waste we produce in
13 the first place by prioritizing our long-established
14 zero waste goals. NYLCV supports Intro 493 and 933
15 and looks forward to working with the City Council
16 and the Administration as we implement this law.

17 Thank you.

18 Thank you, Chair Nurse. Nice to see you, and
19 nice to be here in the chambers. My name is Eric
20 McClure. I'm the Executive Director of StreetsPAC.
21 We're a political action committee and advocacy
22 organization and a proud member of the Transform
23 Don't Trash Coalition.

24 Nearly four years ago in June of 2019, we
25 testified in these chambers before this Committee,

2 then Chaired by Brooklyn Borough President Reynoso,
3 in support of Intro 1574, the bill that later that
4 year would become Local Law 199, requiring the
5 establishment of a Commercial Waste Zone program in
6 New York City. Three years and three months since it
7 became law, as we sit here today, the Commercial
8 Waste Zone program has yet to be implemented.

9 Everything we said in that testimony in 2019
10 remains true today. The Commercial Waste Zone
11 program will lead to a huge reduction in vehicle
12 miles traveled by commercial haulers, reducing
13 overall VMT by approximately 50 percent, versus the
14 current free-for-all, and equating to an annual
15 reduction of many millions of vehicle miles traveled.

16 That is critically important to us as advocates
17 for safer streets, since drivers of commercial waste
18 vehicles have struck and killed dozens of people
19 across New York City over the past decade. The
20 existing system, if one can even call it that, in
21 which different carton companies drive haphazard
22 routes that can crisscross the entire city, lead to
23 some of the most dangerous driving behaviors one can
24 imagine. Blatant running of red lights, driving
25 against the direction of traffic, reversing through

2 intersections, and reckless speeding. Anyone who's
3 walked the street late at night in New York City has
4 witnessed this firsthand. The commercial waste dump
5 program's large reduction in vehicle miles traveled
6 will also have important benefits beyond improved
7 safety. Reduce VMT will mean better air quality and
8 lower greenhouse gas emissions, and the more
9 streamlined routing of trucks will lead to reduced
10 noise levels. Crucially, worker safety will also be
11 optimized under a zone system. There are additional
12 substantial and meaningful benefits as well.

13 For all these reasons, we support Intro 933,
14 which would introduce a Commercial Waste Zone working
15 group to advise on the program's implementation, but
16 only if the creation of such a working group will
17 push the process forward and rapidly so. While
18 acknowledging the many challenges caused by the COVID
19 pandemic, it's been nearly four years since Local
20 Law 199 was established, and it's time to put it into
21 action.

22 Lastly, we also support Intro 493, requiring the
23 Department of Sanitation to establish a plan for
24 accepting commercial solid waste at city-owned Marine
25 Transfer Stations. We believe there is excess

2 capacity at the city's Marine Transfer Stations, and
3 allowing the processing of commercial waste at these
4 facilities would further reduce the number of miles
5 driven by commercial waste vehicles, especially in
6 environmental justice communities, rendering all the
7 benefits inherent in reduced truck traffic.

8 Thank you.

9 Hi, everybody. I just want to say thank you to
10 Chair Nurse and also to Chair Menin. Before I give
11 my testimony, I just want to just say thank you to
12 all the Councilmembers and everybody that kind of
13 redirected the conversation back to the waist equity
14 issues and environmental justice issues that this
15 bill was actually borne out of. I think that it's
16 really important to consider the bottom line for
17 businesses and expenses, but there was a greater
18 public benefit for actually implementing these waste
19 zones, and so I just appreciate everybody for
20 bringing it back to that.

21 But Good afternoon, and thank you for the
22 opportunity to testify today. My name is Dior St.
23 Hillaire, and I'm the Founder of GreenFeen, an
24 educational consulting firm using hip hop to promote
25 wellness to environmental sustainability.

2 As a Bronx-based worker-owned cooperative,
3 through GreenFeen Organics, we collect and process
4 organic waste locally. Our model is particularly
5 designed to encourage local systems, because we see
6 the value in limiting the export of our waste, not
7 only for our environmental and economic benefit, but
8 for the recipients of our waste are also other
9 environmental justice communities.

10 As the co-director of BK Ride, which is New York
11 City's first community-supported bike-powered micro-
12 hauling and composting service, I'm able to witness
13 the impact these policies have on our model and how
14 they make us vulnerable at times, and that undermine
15 our ability to work together in order to create a
16 more sustainable organics diversion system within the
17 city.

18 So we're in support of Intro 493 as well as Intro
19 933 because we see the positive impact this can have
20 directly on small businesses. As a micro-hauler and
21 longtime advocate for the system, we're at a critical
22 point where certain haulers within the industry have
23 shown their willingness to invest in micro haulers
24 and the infrastructure that's necessary to create a
25 better system that works for all.

2 But in order to work together for a cleaner and
3 greener city, we need a clear plan forward. However,
4 with a delay of the implementation of Commercial
5 Waste Zones, we're all stalled with no clear
6 direction on how to grow our small business
7 operations.

8 Currently at the forefront fellow with the Urban
9 Design forum, my team specifically focuses on
10 studying commercial organics and understanding what
11 will be necessary for small business owners to fully
12 participate in this model citywide.

13 So we believe that once New Yorkers can make the
14 clear connection between diverting scraps and
15 decreasing the rodent population, we can more
16 successfully get residents and businesses to align
17 their waste handling practices of the organic stream.

18 However, without clear investment from city and
19 state agencies, what we face as a disposable culture
20 leaving residents confused, frustrated and
21 disconnected from the larger purpose. So supporting
22 food donation efforts along with local diversion
23 goals, where feasible, every business has opportunity
24 to be educated by microhaulers. These contracts of
25 outreach should prioritize MWBE businesses, worker-

2 owned cooperatives, micro haulers, and community
3 based organizations.

4 Unfortunately, enforcement is not active, and we
5 constantly see how participants are still falling
6 short of the outlined diversion standards and goals.

7 And as New Yorkers, we deserve access to clean
8 air, clean environment, meaningful and safe jobs,
9 amongst a host of other things.

10 So Resolution 167 also has our support, as we
11 believe in the local work canners do to contribute to
12 reimagining our current waste system.

13 So our work as micro haulers go far beyond simply
14 collecting commercial organic waste. We are the
15 community development programs that we speak of. We
16 are the residents that are part of this local
17 economic system. We encapsulate the future of local
18 waste practices that center workers' equity and the
19 environment in all that we do.

20 So the networks are here, and we must honor these
21 relationships, the innovators, and the creatives, who
22 have already started to work while figuring out how
23 to scale and allow access for others to get involved.

24 So I will leave you with this final rhyme because
25 I wouldn't be GreenFeen if we didn't do it.

2 So now we wait just to understand
3 how moving up organics is the master plan
4 businesses and residents just alike
5 need very clear direction one message alike
6 not three, or four, or even five,
7 decrease the contamination for the soil to thrive
8 not landfill or incinerate
9 compost is more than disintegrate.

10 We bring communities to the conversation
11 actively inspiring their participation.

12 So CWZ let's get a plan
13 for the future of us all on this stolen land.

14 Thank you.

15 [APPLAUSE]

16 CHAIRPERSON NURSE: Yeah. That's a first for me.

17 Thank you. [LAUGHS]

18 Well, we-- I'm the only one left. I don't have
19 any questions. Thank you for your testimony. We
20 appreciate you all.

21 COUNSEL: Our third panel will be Guilford[ph]
22 Lavelle[ph] and Latoya Washington.

23 Guilford you can begin

24 MR. LAVELLE[ph]: Good afternoon. My name is

25 Guilford[ph] Lavelle[ph]. I'm a local 108 member and

2 currently work for Action Carting. I'm here today to
3 testify on the importance of ensuring our city
4 sanitation program provides long-lasting careers for
5 New Yorkers.

6 I'm a graduate of the Pathways 2 Apprenticeship
7 Sanitation Program. This workforce development
8 program recruits, trains, and places justice-affected
9 individuals into unionized, private-waste employers.
10 I'm a testament of how people's lives are impacted by
11 a good union job. My job opportunities were scarce
12 and many lead to low wage, dangerous jobs. But P2A
13 gave me a chance, and now I'm a Local 108 member
14 working in one of the most important industries in
15 our city.

16 This is why it is important to make sure
17 Commercial Waste Zones are implemented successfully.
18 We need to make sure workers are at the forefront of
19 the process and we create high-paying jobs. I
20 support the Commercial Waste Zone Working Group and
21 hope together we can make a real difference.

22 Thank you and I appreciate the opportunity to be
23 able to testify.

24 MS. WASHINGTON: Good afternoon. My name is
25 Latoya Washington. I'm the Project Coordinator for

2 Pathways 2 Apprenticeship, Sanitation. We are a
3 workforce development program that recruits, trains
4 and place justice affected individuals into unionized
5 employers in the private sanitation industry. We are
6 committed to training the next generation of
7 sanitation workers. Sanitation workers protect our
8 community's public health. We are the essential
9 frontline workforce that allows our city to thrive.

10 It is in our collective interest that we continue
11 to promote job quality in our sanitation system,
12 improve conditions, and train the next generation of
13 sanitation workers. P2A Sanitation has partnered
14 with Center of Employment Opportunities, CEO, the
15 largest reentry employment provider in the country.
16 Labor's Local 108, a local union that represents
17 workers in the private collection and recycling
18 industry, and with private waste haulers like Action
19 Carter and Filco, to change the way we do training in
20 the waste industry.

21 P2A works directly with CEO participants, and has
22 tailored the program to best suit not only the needs
23 of participants, but the industry as a whole. We are
24 preparing the workforce needed to make Commercial
25 Waste Zones a success. It is for these reasons we

2 strongly support the Commercial Waste Zone working
3 group. We all have an interest and making sure CWZ
4 is implemented effectively in order to meet the
5 initial goals of the program.

6 The industry as a whole is preparing to assist
7 the City in making sure CWZ is a success. We cannot
8 fully prepare the best way possible without a full
9 transparency and open communication from the City.
10 This working group will ensure there's communication
11 and accountability between all stakeholders.

12 We look forward to continue to collaborate with
13 our partners and city officials to ensure CWZ is
14 implemented the right way. Thank you for your time.

15 CHAIRPERSON NURSE: Thank you all. I appreciate
16 you being here. I'm a big, big fan of the Pathways 2
17 Apprenticeship program, and we think good, unionized
18 jobs, where safety is prioritized, were the safety of
19 all the workers inside the facilities, on the trucks,
20 operating heavy equipment, anybody exposed to
21 chemicals, anything like that, folks, even in CND
22 facilities, all sorts of things are coming out of
23 these buildings. We want to make sure you all are
24 protected, and that your right to organize for your
25 improved working conditions is protected as well.

2 So thank you for being here and testifying, and
3 thank you for being part of the process.

4 MS. WASHINGTON: Thank you so much.

5 COUNSEL: Our fourth panel will be Ryan Thorson
6 Carson. Ryan Castillea, and Renee Del Carmen.

7 MR. CARSON: Great. Thank you so much Chair
8 Nurse. I very much appreciate the opportunity to
9 testify today.

10 My name is Ryan Thoresen Carson. I'm the
11 Environmental Campaign Coordinator for NYPIRG, the
12 New York Public Interest Research Group. We
13 appreciate the opportunity to testify before the New
14 York City Council on Sanitation and Solid Waste
15 Management, and on the real solutions to the city's
16 solid waste crisis.

17 So I've had the privilege for the past year and a
18 half to coordinate the Bottle Bill 40 Coalition,
19 which is a coalition of over 300 organizations
20 working to modernize the state's Bottle Bill. And,
21 you know, we are really, really excited and we think
22 that this is going to be the year that we get this
23 incredibly-needed a piece of legislation done.

24

25

2 So I'm just going to give a very quick overview
3 on some of the big reasons why this is incredibly
4 necessary to New York City.

5 So 2023 is the 40th anniversary of the initial
6 implementation of the state's Returnable Container
7 Act affectionately, known as the Bottle Bill. It was
8 enacted in 1982, and the Bottle Bill requires a five-
9 cent Recep refundable deposit on eligible beverage
10 containers. The law requires retailers who sell
11 covered beverages to accept returns of empty
12 containers for the products that they sell, and to
13 refund the deposits. The law also requires beverage
14 distributors to compensate retailers for the cost of
15 collecting and recycling empty containers by paying
16 them a small handling fee per container.

17 After its four decades of success, it's time for
18 New York to modernize the bottle bill and expand the
19 law to include popular non-carbonated beverages
20 (wine, spirits, and hard cider) and increasing the
21 redeemable deposit value to 10 cents to increase the
22 rate of recovery.

23 So New York City would see some immediate
24 environmental, economic, and equity benefits from
25 increased collection of redeem containers, and my

2 written testimony will kind of go into some of the
3 facts and figures of this, but just kind of hitting
4 the broad points here. There'll be less-- there'll
5 be less trash for the city to collect, transport, and
6 dispose of. So from an environmental standpoint,
7 expanding the number of containers included in the
8 Bottle Bill would very likely increase the recycling
9 rates of these containers, relieve MRFs from a
10 portion of low value and difficult-to-manage
11 material, and would provide an opportunity for
12 additional container glass to make its way through
13 the redemption system, where it has a much higher
14 likelihood of being used in new container
15 manufacturing and other higher use recycling outlets.

16 Just hitting the last two main points here:
17 Economically struggling New Yorkers would get an
18 income boost. I'm very excited to always testify
19 with the fine folks of Sure We Can, who are such a
20 necessary part of this movement, and these folks are
21 a critical part of our recycling infrastructure, and
22 they really need a raise. I think we can all agree
23 on that.

24 New York state's Environmental Protection Fund
25 also would see increased revenues and this could

2 provide for more of the city's recycling
3 environmental programs, as the state receives 80
4 percent of the unredeemed deposits. That money would
5 go up. That money could then be reinvested into
6 critical projects here in the city.

7 And we are really, really excited about this
8 resolution. We very much urge the City Council to
9 pass this resolution. We're really excited to get
10 this thing done this year. We think that's a very
11 critical part of any extended producer responsibility
12 program. It looks like this year is going to be the
13 year that an extended producer responsibility program
14 gets done, and the Bottle Bill is incredibly
15 necessary in that program. So thank you so much for
16 the opportunity to speak today. And thank you.

17 MR. CASTALIA: Thank you so much to Chair Nurse
18 and the Council for making the space to discuss the
19 critical issue of expanding the Bottle Bill. I'm
20 Executive Director of Sure We Can, New York's only
21 nonprofit dedicated to serving canners, the folks who
22 collect and redeem the bottles and cans others
23 discard in order to earn income. My name is Ryan
24 Castalia.

2 This expansion is critical in several respects.
3 It's critical for our city and states to fulfill
4 their commitments to waste reduction; it's critical
5 for the livelihoods of thousands of essential workers
6 who are cleaning up after New Yorkers with little to
7 no recognition or support; and it's critical for our
8 communities, which are regularly overburdened by
9 street litter and pollution.

10 In addition to the environmental outcomes that
11 Ryan mentioned, I also want to just pinpoint that the
12 Bottle Bill is a powerful vehicle for environmental
13 justice. Most New York City canners come from highly
14 stigmatized groups, including non-English speakers,
15 new immigrants, those experiencing physical or mental
16 disabilities or homelessness, and the elderly. Most
17 live in the huge swathes of the city designated as
18 environmental justice areas, including our home
19 neighborhoods in East Williamsburg and Bushwick.

20 The Bottle Bill allows people who experience
21 barriers to working to dedicate their labor to
22 bettering their communities through recycling, while
23 also supporting themselves and their families.

24 The Bottle Bill also supports job creation and
25 small businesses through the handling fee by making

2 it possible for ordinary New Yorkers to start their
3 own redemption centers. Sure We Can was founded by
4 canners who at the time were experiencing
5 homelessness, and took that step to empower
6 themselves and their community. In 2022, we redeemed
7 over 12 million bottles and cans and distributed
8 around \$750,000 into this underserved community. And
9 we'd be very happy to share those figures with the
10 Department of Sanitation if they'd like to get in
11 touch with us to ask.

12 The Bottle Bill, as Ryan mentioned, is woefully
13 out of date and it's being neglected by the state.
14 And with these common-sense expansions. We'd see
15 immediately huge transformations in our diversion
16 rates and the dignity and livelihoods of this
17 underserved community.

18 Today in New York City, barely a week goes by in
19 which we don't hear about a redemption center closing
20 because it can't pay rent, making access harder for
21 all New Yorkers, and further hampering the system
22 overall. So in addition to the state having-- of
23 course, it's a state law and the state has an
24 important role to play, but the city can play a role
25 as well. It can declare its support for expansion,

2 which I hope it will, but it can also lead the charge
3 by demonstrating its effective implementation.

4 By introducing real systemic support for the
5 redemption system, including investment in
6 infrastructure, like new redemption centers, or
7 keeping the existing ones open and active, as well as
8 providing resources, recognition, and support to the
9 marginalized workers that produced the systems
10 incomparable results, New York City can do what it's
11 always done: Blazed a trail for others to follow,
12 and this time into a more sustainable future for all.
13 Thank you.

14 MR. DEL CARMEN: Hi. I'll be speaking in
15 Spanish, and later Ryan can help for translation.
16 Thank you. My name is Manuel Renee del Carmen.

17 [SPEAKS IN SPANISH FOR 80 SECONDS]

18 [TRANSLATION]

19 My name is Renee del Carmen. I've worked at Sure
20 We Can since 2014. I became aware of Sure We Can
21 when it was founded, back when I was a recycler. I
22 started recycling out of necessity, and I found
23 myself in a vulnerable situation that obligated me to
24 do that work. Recycling helped me come to know how
25 to help myself, and learn more about our society. It

2 also helped me meet my economic needs. I worked as a
3 recycler in Manhattan for seven years, and today, I'm
4 managing the whole space and recycling system at the
5 Sure We Can organization.

6 The work of recycling gave me strength to help
7 our environment, and at the same time to meet my
8 daily needs and costs, like rent, food, and supplies.
9 Mentally, it pushed me to stabilize my mind and
10 support my mental health. It served me like therapy,
11 and helped me understand better the situation in
12 which we all live. Before the five cent deposit was
13 enough to motivate and support the work, but it's not
14 today. Now, with a 10-cent deposit, the system can
15 save and support people in more difficult situations,
16 and it can also help solve the problems of the world
17 at large regarding waste. It can inspire people to
18 recycle better, to help our environment, and world,
19 and leave a better heritage for future generations.

20 Thank you.

21 [END OF TRANSLATION]

22 CHAIRPERSON NURSE: Thank you, I did have a
23 question because your data was so great. Is it
24 something you all keep track of every year?

2 MR. CASTALIA: Yes, absolutely. We can-- we have
3 redemption figures, amounts we distribute, amounts we
4 redeem. We can produce all sorts of data. We're
5 very happy to interface with the City on that.

6 CHAIRPERSON NURSE: And from your experience, do
7 you know if this is common practice across different
8 centers?

9 MR. CASTALIA: We don't know. I think it varies
10 from center to center, for sure. There's no, like,
11 regular way of tracking this data. But I think that
12 it's also a capacity issue, and many centers don't
13 have the staff or the resources to do that kind of
14 tracking.

15 CHAIRPERSON NURSE: Okay. I just want to say
16 thank you all for being here. It's nice to meet you
17 in person. I think you've testified a couple of
18 times on Zoom.

19 MR. CASTALIA: Yeah. I'm usually up there. But
20 it's nice to in the chamber.

21 CHAIRPERSON NURSE: Well welcome to the chamber,
22 again. Thank you all for being here. I think the
23 canning community is just, you know, Sure We Can is
24 one of my favorite places. It's not fully-- it's not
25 in my district. But, I really appreciate how much

2 work the canning community does for our environment.
3 I think so much of it's so underreported and the
4 story about how much work you actually do is
5 underreported. So it would be great to be able to
6 capture that across the city, to show the value of
7 the work that's being done, and potentially leverage
8 that in a way to offset some of the other costs that
9 you all are incurring, and spending a lot of capacity
10 having to find other ways to supplement just the cost
11 of a major operation. So...

12 MR. CASTALIA: I will say that we recently
13 received some foundation funding to begin doing this
14 type of data gathering city wide: Where are the
15 cameras? What type of work are they doing? What
16 volume are they redeeming? From where? Et cetera.
17 But support from the City for this type of work would
18 allow us to greatly expand the scope and really get
19 some concrete data on this community that, as you
20 say, is doing-- doing this essential work basically
21 invisibly.

22 CHAIRPERSON NURSE: Right. And most-- the
23 majority of the workers within the canning community
24 are on foot, right?

25 MR. CASTALIA: Yes.

2 CHAIRPERSON NURSE: Right. So fossil fuel free.

3 Okay. Well, thank you so much for being here. I
4 really appreciate it. Gracias, Rene.

5 MR. DEL CARMEN: Thank you very much.

6 MR. CASTALIA: Thank you. Thank you very much.

7 COUNSEL: The next panel will be Martin Naro and
8 Conrad Cutler.

9 MR. CUTLER: My name is Conrad Cutler, and I'm
10 the Founder and President of Mega Beverage Redemption
11 Center. At our single facility our operation is
12 responsible for redeeming in excess of 3 million
13 empty bottles and cans every single week. In other
14 terms that translates into 125,000 tons of PET,
15 aluminum, and glass annually, which is diverted from
16 New York's rivers, streams, oceans, parks, and
17 landfills. We also employ 150 full-time employees,
18 and the redemption industry at large is responsible
19 for over 7000 jobs in the Metro New York area alone.

20 It is an undisputed fact that the New York Bottle
21 Bill is the single most effective piece of
22 environmental legislation to be passed that remains
23 in effect today. Aside from the enormously positive
24 environmental impact the Bottle Bill has, the
25 peripheral economic benefits to both the residents as

2 well as the local and state government in New York
3 are tremendous.

4 In 2020, 5.5 billion empty bottles and cans were
5 both redeemed and recycled in New York state. On top
6 of that, the unredeemed bottle deposits also brought
7 in over \$128 million in revenue to the state's
8 general fund. New York State, keeps 80 percent of
9 the unclaimed deposits.

10 There are an estimated 10,000 New York City
11 residents alone that collect bottles and cans for a
12 living. These are families and individuals that earn
13 upwards of \$30 an hour cleaning the streets of New
14 York City at no labor or disposal cost to the
15 taxpayers. The Bottle Bill also produces millions of
16 dollars of annual savings to the city of New York,
17 which hasn't been touched on. IN non Bottle bill
18 state's, municipal recycling systems bear the burden
19 of disposal for empty beverage containers. In the
20 city of New York, all of the bottles and cans that
21 are being redeemed are not running through the
22 Department of Sanitation municipal recycling system.
23 This results in fewer garbage trucks congesting New
24 York City streets and a lower processing and disposal
25 cost as well.

2 However, the benefits of this will only be
3 recognized if the Bottle Bill we will be updated.
4 The Bottle Bill must be the bottle must be modernized
5 to increase the deposit from 5 to 10 cents, and
6 expand the Bottle Bill to include all beverage
7 containers. I'll finish quickly.

8 According to Sims Municipal Recycling, who has a
9 long term contract with the New York City Department
10 of Sanitation, to process and market the city's
11 recyclables, glass has a negative value of negative
12 \$35 to negative \$55 per ton, and glass oftentimes
13 contaminates the recycling stream. Unfortunately,
14 glass entering the municipal recycling stream very
15 infrequently doesn't get recycled. The Bottle Bill
16 is the only recycling program where 100 percent of
17 the input into the system actually gets 100 percent
18 recycled. Therefore, an expanded Bottle Bill would
19 divert much of the glass away from the curbside
20 system and result in tremendous savings for the
21 municipality.

22 I'll leave it at that.

23 MR. NARO: All right. Excellent. Well, Sandy,
24 thank you so much for being here with us today. I
25 know it's been a while since this has started. So we

2 appreciate you hanging on. My name is Martin Naro.

3 I'm the President of the Empire State Redemption
4 Association. We are a group that represents over 125
5 redemption centers across New York state. Many of
6 those redemption centers service citizens right here
7 in the five boroughs, and the statements I'm about to
8 give, they fully support.

9 First off the 125 redemption centers,
10 approximately employing over 20,000 people across New
11 York State and service hundreds of thousands of
12 people on an annual basis that rely on the deposit
13 return system.

14 In unison we could all say we fully support an
15 expanded Bottle Bill.

16 An expanded bottle bill will increase the deposit
17 from 5 cents to 10 cents, increase the containers
18 covered to cover juices, wines, liquors, coffees, and
19 other beverages, and it would also increase the
20 handling fee from 3.5 cents to 6 cents. This is
21 essential for a circular economy and a sustainable
22 future.

23 The Bottle Bill make sense for many reasons. The
24 science is very clear in the fact that the Bottle
25 Bill is four times more likely to recycle bottles and

2 cans than curbside recycling programs. Also,
3 according to The Container Recycling Institute,
4 plastic, aluminum, and glass recycled to redemption
5 systems are 40 percent more likely to be made back
6 into consumer goods. That's because the
7 contamination rates are much lower. The system is
8 simply cleaner and better for using this material for
9 recycled goods. Additionally, as Sure We Can has
10 stated before, there are in New York alone-- in New
11 York City alone, tens of thousands of people that
12 rely on the Bottle Bill to supplement their income to
13 pay for medicine, to pay for their rent, to pay for
14 their everyday needs. The bill hasn't been updated
15 since 2009, and we are entitled, we are asking the
16 city to help us raise the deposit so that they can
17 sustain their lifestyle and help fuel the city's
18 circular economy.

19 My final point is that with an expanded bottle
20 bill, New York would estimate-- would approximately
21 see around \$250 million in funding. This is
22 something that the city could tap into and fuel
23 additional programs.

24 And my final point is that some opposition that
25 you'll hear is that many convenience stores,

2 supermarkets, and bodegas simply do not want to take
3 back the wine and liquor bottles. They do not want
4 to take back the additional containers that will be
5 covered. I speak for all redemption centers when I
6 say: We have the infrastructure to accept back these
7 containers, and in the legislation it states that
8 these convenience stores and bodegas could contract
9 with redemption centers so that they do not have to
10 take the material back.

11 MR. CUTLER: At no cost.

12 MR. NARO: At no cost. Those are my final
13 statements. And if you have any questions we'd be
14 happy to answer.

15 CHAIRPERSON NURSE: No. Thank you for that. I
16 think it's-- it's worth highlighting that you
17 mentioned all of these workers are doing this work,
18 not just supplemental. Some-- this is their income,
19 are sustaining entire families, putting people
20 through school on this income, at no additional
21 burden to the city.

22 But there are some downsides to that. For
23 example, if somebody is sick, if somebody can't work
24 or is injured, they don't have some of the safety

2 net, because a lot of these workers don't-- have
3 barriers to accessing the social safety net.

4 So it will be interesting, I think, to have maybe
5 a follow up conversation or a hearing on how we could
6 actually be supporting these workers through more
7 benefits for the work that they do, that can tap into
8 some of that revenue, that would potentially come in
9 through an expanded bigger, better Bottle Bill, plus
10 the EPR program that we hope to see happen at the
11 state level.

12 So you know, centers that have the infrastructure
13 and maybe are working to expand. Maybe part of the
14 conversation should be: What more can we do to
15 support these workers who are pretty much at the
16 mercy of, you know, whatever's in these bins. We
17 want to make sure that folks are covered in a better
18 way as a long term thing.

19 MR. CUTLER: I know Sure We Can has done a really
20 good job at outreach with their canning community,
21 and providing peripheral services to them to support
22 them in their everyday life, aside from just paying
23 them for their bottles, so...

24 MR. NARO: And we'd be more than happy to work
25 with the City Council to help legitimize the canning

2 community. I believe that there's a tremendous
3 amount that we can do, and we could learn from other
4 countries and states on how they've done that.

5 CHAIRPERSON NURSE: Excellent. Thank you all for
6 being.

7 MR. CUTLER: Thank you.

8 COUNSEL: The next panel is Lou Dubuque and Ryan
9 Monel.

10 Okay, if there are any individuals who are in
11 person, who signed up, who we've missed, feel free to
12 come to the seats now.

13 CHAIRPERSON NURSE: No one else for in person? I
14 just want to make sure, because next is virtual.

15 Okay, thank you.

16 MR. DUBUQUE: Hello, my name is Lou Dubuque, and
17 I'm the Vice President for the Northeast for the
18 National Waste and Recycling Association. NWRA
19 represents the private sector waste and recycling
20 services industry. Association members conduct
21 business in New York City and all 50 states, and
22 include companies that manage waste collection,
23 recycling, medical waste, equipment manufacturers and
24 distributors, and a variety of other service
25 providers. NWRA represents the hard-working men and

2 women of the industry who collect and manage the
3 waste, recyclables, and organics produced by the more
4 than 100,000 commercial entities in this great city.

5 I'd like to thank Chairperson Nurse and the rest
6 of the Sanitation and Solid Waste Committee for the
7 opportunity to speak here today. NWRA and our
8 members are concerned that there has been little
9 information provided before today by the Department
10 of Sanitation over the last few months as to why we--
11 when we can anticipate the beginning of the
12 implementation process for New York City's Commercial
13 Waste Zone.

14 During the three years it took to get to this
15 point, where haulers are currently waiting to see
16 who's selected to serve the many businesses in New
17 York City, NWRA feels the entire process has lost the
18 collaboration that existed during the Commercial
19 Waste Zone's conceptual stage.

20 We want to reiterate that nowhere in the US has
21 such a zoning program been adopted or implemented to
22 this scale or structure. We fully understand that
23 this is an unprecedented and complex process. Our
24 members share in New York City's goals of promoting a
25 moderate and effective industry that is not just

2 focused on providing its core services, but is
3 refocused on sustainability, zero waste, emissions
4 reductions and fair labor practices. But we also
5 believe that the implementation of such a significant
6 and potentially confusing transition to commercial
7 waste franchise systems requires a measured,
8 thoughtful, and collaborative implementation process.

9 That is why we are very pleased that Chairperson
10 Nurse introduced legislation to create the Commercial
11 Waste Zone Working Group.

12 As we just stated the cities to transition from
13 open markets to a Commercial Waste Zone will be an
14 historic, complicated undertaking that's going to
15 take many years to fully implement. The sooner we
16 can begin the process of putting a working group
17 together, the better. The success of this entire
18 process will be based on not only selecting the right
19 awardees, but also the partnership between all
20 stakeholders and DSNY. That cooperation, if properly
21 aligned, can have a significant impact on the success
22 of the entire process. So we're here today to
23 encourage DSNY to announce the franchise awardees as
24 soon as possible, and then engage with a Commercial
25 Waste Zone working group once it's created in

2 deliberative, collaborative process, ensure a
3 successful implementation of the Commercial Waste
4 Zone system. Thank you for the opportunity today.

5 MR. MOSS: Hi, I'm Andy Moss from Waste
6 Connections and I want to thank Chair Nurse for
7 holding today's hearing. New York City Waste
8 Connections proudly serves thousands of commercial
9 customers with excellent customer service. We employ
10 218 hard working men and women, including 158 union
11 members, the great majority who live in New York
12 City.

13 As a company is strongly committed to both safety
14 and sustainability, Waste Connections is here today
15 in support of legislation that will create a working
16 group for the newly formed Commercial Waste Zones.
17 In our view, a working group can play a critical role
18 in helping to address the challenges associated with
19 replacing the current waste collection system with an
20 entirely new process. We believe that an experienced
21 and qualified committee can play a crucial role in
22 making the transition process a smooth one, and help
23 avoid the pitfalls that Los Angeles experienced with
24 many reported service complaints during its first six
25 months of a similar transition.

2 Commercial waste and recycling management is
3 complex and multifaceted. It requires the
4 collaboration and cooperation of multiple stakeholder
5 stakeholders, including businesses, waste and
6 recycling companies, micro haulers and local
7 government. A working group focusing on Commercial
8 Waste Zones can help bring these stakeholders
9 together and facilitate the development of a more
10 coordinated and effective waste management system.

11 By working together, stakeholders can identify
12 and address the unique challenges associated with an
13 entirely new system. Specifically, there are bound
14 to be issues associated with introducing a new
15 service provider, the city's requirement that every
16 company have a written contract, new recycling
17 opportunities, and payment issues.

18 Moreover, once the initial transition is
19 complete, and the system has reached a sense of
20 equilibrium, a working group can help to identify
21 opportunities for innovation and improvement, such as
22 enhanced worker safety, the development of new waste
23 reduction technologies, the implementation of
24 sustainable waste management practices, and the
25 promotion of waste reduction and recycling programs.

2 Lastly, I'd say that the Business Integrity
3 Commission that currently regulates the waste and
4 recycling industry has a Trade Waste Advisory Board.
5 Its minutes are public. It works very well.

6 CHAIRPERSON NURSE: Thank you. Is that a
7 suggestion for something?

8 I guess I did have a question. You know, the
9 Commissioner testified, having carters on the working
10 group, given the timeline that they're hinting at in
11 terms of getting to three years. So having a working
12 group up and running sooner would prevent them, based
13 on her testimony, from being in there. What would be
14 some alternative types of-- right now, as it's
15 written, we have environmental justice advocates,
16 environmental leaders, kind of like from the advocate
17 side, from the industry side?

18 MR. DUBUQUE: An association that represents all
19 the haulers that are in the city, like NWRA, could be
20 on that. That would be--

21 CHAIRPERSON NURSE: And you think that would be
22 adequately firewalled to prevent favoritism?

23 MR. DUBUQUE: Absolutely. I represent all our
24 members.

25 CHAIRPERSON NURSE: Okay.

2 MR. MOSS: My understanding was that the
3 legislation didn't take effect until the-- all the
4 contracts were awarded.

5 CHAIRPERSON NURSE: Yeah. That's-- that's mine
6 as well. So that's why I was surprised to hear her
7 say it, but I-- you know, we can talk more with the
8 Administration to see what kind of pitfalls or blocks
9 that would be needing to be in place, versus
10 suggested.

11 MR. MOSS: I mean, again, the Business Integrity
12 Commission has a similar group that works very well
13 and is public.

14 CHAIRPERSON NURSE: Thank you very much. Thanks
15 for your testimony today.

16 MR. MOSS: Thank you.

17 MR. DUBUQUE: Thank you.

18 COUNSEL: We'll now move to zoom testimony.
19 Matthew Civello, Anna Sacks, Rhonda Keyser, Kathleen
20 Riley, Elizabeth Balkan, Elizabeth Adams, and Jane
21 Selden.

22 And Matthew, you can begin when the Sergeant
23 calls time.

24 SERGEANT AT ARMS: Time has begun.
25

2 MR. CIVELLO: Thank you. I'm Matthew Civello.

3 And I serve as Chair of the Manhattan Solid Waste
4 Advisory Board and I am pleased to provide this
5 testimony on behalf of the Brooklyn, Manhattan, and
6 Bronx Solid Waste Advisory Boards.

7 The implementation of Local Law 199 is long
8 overdue, having been signed into law over three years
9 ago. And we believe that in implementing the
10 Commercial Waste Zone law, four key aspects should be
11 prioritized.

12 First, ensuring fair competition in each
13 Commercial Waste Zone area to avoid effective
14 monopolies, and the origins of most if not all, of
15 the much discussed pricing concerns at today's
16 hearing.

17 The encouragement of subcontracting to facilitate
18 the inclusion of smaller local haulers, including
19 micro haulers and local processing facilities,
20 thereby retaining as much value as possible within
21 the city.

22 Thirdly, completing adequate outreach, education,
23 and enforcement, directed at businesses to ensure
24 compliance and encourage and an immediate boost to
25 diversion rates.

2 And fourth, establishing a robust methodology for
3 collection and public distribution of data from and
4 to all stakeholders.

5 We believe that it's important that ongoing
6 evaluation of the Commercial Waste Zones, including
7 metrics such as consumer pricing, truck miles, and
8 diversion rates, as well as worker safety. As such,
9 we support Intro 933, which would mandate the
10 creation of a Commercial Waste Zones working group to
11 engage in this evaluation.

12 We support Intro 493, mandating a plan to move
13 towards processing of commercial solid waste at the
14 Marine Transfer Stations. The city's Marine Transfer
15 Stations are crucial in reducing truck miles
16 associated with managing the city's waste, and their
17 spare capacity should be used for processing
18 commercial waste.

19 Furthermore, if the city is serious about its
20 zero waste goals, this extra capacity should not be
21 required for additional municipal solid waste.

22 Cost effectiveness has been cited as a barrier to
23 commercial haulers looking to use the Marine Transfer
24 Stations as such, the suggestion of subsidizing
25 tipping fees has merit, as with any other economic

2 levers available to the department. We would also
3 suggest the inclusion of a clause related to
4 targeting specific areas of the city from which to
5 accept commercial waste in order to further reduce
6 truck traffic in certain overburdened communities.

7 Intro 493 contains no targets for dates or
8 tonnage is and is open ended. As a result, the
9 setting of reasonable staggered targets would help to
10 accelerate the transition.

11 Finally, the Bigger Better Bottle Bill, S237,
12 stands as part of the ongoing state-level packaging
13 reduction bills package, which the SWABs have been
14 engaged in.

15 The current bottle law is long overdue as an
16 update, both in the variety of materials and the size
17 of the deposits. The proposed changes stand to
18 enhance residential and commercial conversion rates
19 with the inclusion of wine and liquor bottles,
20 containers that present a problem when mingled with
21 municipal recycling streams.

22 The boost in the deposit amount will encourage
23 consumer return of these materials, and the increase
24 in the handling fee will help struggling redemption
25 centers. The SWABs therefore support this resolution

2 in the interest of continuing to increase the
3 diversion rates, and decreased roadside litter for
4 containers covered under the spill.

5 Solid Waste Advisory Boards look forward to
6 seeing these bills and continuing to work with the
7 City's Department and elected officials to move
8 forward toward zero waste.

9 On behalf of the Manhattan, Brooklyn, and Bronx
10 Solid Waste Advisory Boards, I want to reiterate our
11 thanks for your consideration and attention regarding
12 these matters today. Thank you.

13 COUNSEL: Anna, you can start when the sergeant
14 calls time.

15 SERGEANT AT ARMS: Time has begun.

16 MS. SACKS: Good afternoon, and thank you for
17 this hearing. My name is Anna Sacks. I am the
18 Legislative Chair at Manhattan Solid Waste Advisory
19 Board. I'm testifying as an individual though. I
20 wanted to talk about my experience when I was at
21 Thank Zero, which is a waste reduction and diversion
22 consulting firm. We work with a number of office
23 buildings in Manhattan. And what we found -- this
24 was before COVID and it also occurred after COVID --
25 was that our clients were paying for trash,

2 recyclables, and organics collection, but oftentimes
3 they were receiving one truck from the hauler.

4 Meaning that even if the building was perfectly
5 recycling, and perfectly separating, its organics it
6 would all get commingled in that one truck, and it
7 would all go to a landfill or an incinerator.

8 This was-- when we reported to this to the
9 hauler, they would, you know, say that they didn't
10 know that this was happening and fix it, but it was
11 very common as a way of cutting costs and the way of
12 if they're, they're only organics on that route, it
13 didn't make sense for them to send one special
14 organic truck to pick up from that one location. And
15 so I really look forward to the Commercial Waste
16 Zones, where you have that volume on that route. And
17 then it makes sense for the haulers to send a
18 specific truck for the organics collection, for
19 example.

20 I wanted to also mention that, yes, some of the
21 buildings we worked at, they had three separate
22 haulers coming into that one loading dock each night,
23 especially in Midtown. And theoretically, this would
24 mean six trucks if each of those haulers was sending
25

2 one truck for trash and one track for recyclables, as
3 they were supposed to do.

4 So there are a lot of inefficiencies as we know,
5 and I look forward to finally the implementation of
6 the Commercial Waste Zones to fix this.

7 One thing I wanted to mention is for the
8 enforcement, I would love to see something similar to
9 the commercial loitering law, wherein if someone
10 finds-- is able to document a violation where the
11 commercial haulers [inaudible] recycle -- I'll just
12 finish this point -- and organics together, if you
13 could share in the rewards. So right now, if you
14 submit that to BIC you got-- they are able to issue
15 \$1,000 violation, but you receive no reward. So when
16 I did that in 2019, I think I was one of 10 citizen
17 reports like that.

18 So I-- if the citizen were to receive some of
19 that reward, you would see more eyes watching the
20 commercial waste vehicles and more reports, and more--
21 - and a disincentive for commercial waste haulers to
22 cut corners. Thank you.

23 CHAIRPERSON NURSE: Thank you. Just thank you for
24 everyone. Just-- now that we're on the Zoom space,
25 encouraging everyone to stick to the time and submit

2 written testimony if you're going to be going longer.
3 Thank you so much. I appreciate everyone being here.
4 Not directed anyone, just in general, because I know
5 we have a lot of people signed up. Thank you.

6 COUNSEL: Rhonda, you can begin when the sergeant
7 calls time.

8 SERGEANT AT ARMS: Time has begun.

9 MS. KEYSER: Hi, thank you, Chairs Nurse and
10 Menin, and to the Committees for this opportunity for
11 all of us to speak. And thank you all for all of
12 your important questions this morning. Your careful
13 attention to details and transparency in the interest
14 of changing solid waste management norms, so that we
15 can not only lower our garbage footprint, but equally
16 important, redress environmental, social and economic
17 injustices, is-- is noted and appreciated.

18 From what we've seen today, this is clearly not
19 an easy process, but I applaud everyone for your
20 robust participation doing what's right in this
21 transition toward justice.

22 My name is Rhonda Keyser. I'm the Education
23 Director for Cafeteria Culture. In addition, I serve
24 as Chair of the Legislative Committee on the Brooklyn
25 Solid Waste Advisory Board, and I'm on the boards of

2 New York State Children's Environmental Health
3 Centers, and Sure We Can. My comments today are as
4 an Executive Board Member of Sure We Can. Sure We
5 Can is New York City's not only nonprofit bottling
6 can redemption center, and we thank the Council today
7 for supporting Senator Mays Bigger Better Bottle
8 Bill, S237.

9 This specific state legislation will expand the
10 current and effective bottle redemption law so that
11 we can continue to reduce litter on our streets and
12 recover these valuable resources. Our canners are
13 people who redeemed bottles and hands for a living
14 are often marginalized, and their work is often not
15 recognized. So support for this expansion of this
16 bill is support is support for our often-excluded
17 waste management workers.

18 I want to underscore what's already been stated
19 today that our community of canners clean our streets
20 and harvest our resources at no expense to the city
21 and divert around 500 tons of waste in this inclusive
22 and low-barrier method of resource diversion. The
23 almost 70 percent return rate of bottles and cans
24 reveals the effectiveness of the inclusive bottle
25 law, compared to the less than 15 percent diversion

2 rate of other single-use containers. It's important
3 to stress that this high resource recovery rate is
4 achieved at no cost to the city.

5 And finally, this important update will not only
6 increase the already high diversion rate for
7 materials covered under this law, and give our
8 candidates dignity. Thank you

9 COUNSEL: Kathleen, you can begin when the
10 sergeant calls time.

11 SERGEANT AT ARMS: Time has begun.

12 Thank you everyone. Good afternoon. My name is
13 Kathleen Riley. I'm with the New York State
14 Restaurant Association, and we're here today
15 primarily to discuss the transition to Commercial
16 Waste Zones and the impact this change will have on
17 the restaurant community.

18 To set a little context, we wanted to share some
19 survey data that we got from restaurant operators in
20 summer of 2022. In response to elevated costs,
21 restaurants have taken the following strategies: 86
22 percent have increased menu prices, 66 percent
23 changed the food and beverage items offered on the
24 menu, 59 percent reduced their hours of operation on
25 days they stayed open, 46 percent closed on days they

2 would normally be open, 38 percent say they postponed
3 plans for expansion, 43 percent cut staffing levels.

4 Expectations of 2023 profitability, the majority
5 do not expect their profitability to improve in 2023,
6 47 percent think they will be less profitable, 32
7 percent think it will be about the same, and only 21
8 percent think they will be more profitable than in
9 2022.

10 So, in this challenging context, we are
11 appreciative that the Department of Sanitation has
12 been thoughtful about the immediate and lingering
13 impacts of COVID-19 on the readiness of small
14 businesses to transition to the Commercial Waste Zone
15 system.

16 As this transition process kicks back up again
17 and continues in earnest, we want to reiterate that
18 cost and quality of commercial waste services are the
19 two biggest factors for our membership, and to that
20 end, we urge the department to permit the maximum
21 allowable number of carters for zone to encourage
22 competition and prevent a deterioration of services.
23 It also gives operators the opportunity to choose or
24 switch carters as they see fit.

2 We urge the department to strongly prioritize
3 costs as it evaluates proposals and it was
4 encouraging to hear that the Commissioner has already
5 made that switch.

6 Restaurants have already faced the cost increases
7 in so many areas, and soaring commercial waste
8 expenses would be detrimental to our industry if they
9 can be. Of course robust education and outreach will
10 be critical in helping restaurant operators
11 understand what they can expect from this new system.

12 Finally, I'd also like to take a moment to--

13 SERGEANT AT ARMS: Time has expired.

14 MS. RILEY: Okay.

15 COUNSEL: Elizabeth Balken, you can begin when
16 the sergeant calls time.

17 SERGEANT AT ARMS: Time has begun.

18 MS. BALKEN: Thank you. Hello Chairs Menin and
19 Nurse, and esteemed members of the Sanitation and
20 Small Business communities committees. Thank you for
21 your leadership and hard work, and for permitting me
22 to speak today. My name is Elizabeth Balkan, and I'm
23 in North America Director for Reloop, an
24 international nonprofit organization that works to
25 advance policies to catalyze a circular economy.

2 I'm also a former city employee. Between 2014
3 and 2018, I served as Director of Policy and Senior
4 Adviser to then Commissioner of Sanitation Catherine
5 Garcia, on some of the earliest efforts related to
6 Commercial Waste Zoning and organics.

7 I'm here to express the critical need for Bill
8 S237, an act to amend the Bottle Bill. With the
9 appropriate changes this measure will deliver
10 considerable benefits to New York City. In many
11 jurisdictions outside the US, deposit return systems,
12 what we know as Bottle Bills, routinely achieve 90
13 percent or higher redemption rates. We research
14 high-performing systems all over the world and found
15 that they have common elements, which we've
16 identified on our website. We have also identified
17 pragmatic tools to implement reform equitably and
18 efficiently. Last year, we released the analysis on
19 how to do this in the Northeast, in particular
20 looking at the benefits to New Yorkers.

21 As my time is limited today I'll submit written
22 testimony that details these elements and what we
23 recommend that 237 change to be as effective as
24 possible. But program scope is one of the foremost
25 prerequisites. Bill S237 gets it right by calling

2 for the inclusion of a much broader scope of
3 beverages. Wine and Spirits typically sold in glass
4 are particularly critical to be included for New York
5 City food establishments.

6 At present, these establishments, mostly small,
7 locally-owned businesses, struggle to deal with their
8 empty glass bottles. Haulers will often not take
9 this material with single-stream recycling
10 collection, as we just heard, as it is both heavy and
11 a source of contamination for paper and other
12 valuable recyclables. Consequently, it ends up with
13 the refuse, or at times is left behind all together.

14 SERGEANT AT ARMS: Time is expired.

15 MS. BALKAN: Okay. Thank you. Just including
16 glass in the Bottle Bill amendment is not enough on
17 its own. And I just want to recommend to the to the
18 council that in your resolution, a recommendation
19 that distributors are actually coming to pick back
20 the empty containers. Right now in New York City
21 businesses forfeit between \$55 and \$60 million per
22 year in bottle deposits which they cannot get
23 refunded. And that's a distortion of the system that
24 we hope that this bill can address.

25 Thank you so much for your time.

2 COUNSEL: Elizabeth Adams, you can begin when the
3 sergeant calls time.

4 SERGEANT AT ARMS: Time has begun.

5 MS. ADAMS: Hi. Good afternoon. I'm Elizabeth
6 Adams, Senior Director for Advocacy and Organizing at
7 Transportation Alternatives. Thank you to Chair
8 Nurse and the members of the committee for convening
9 today's hearing on Commercial Waste Zones.

10 At Transportation Alternatives, we believe that
11 our streets belong to the people of New York, and we
12 work with New Yorkers in every borough to build a
13 future that rises to the needs of our communities.
14 We need immediate and full implementation of
15 Commercial Waste Zones. The slow rollout for
16 Commercial Waste Zones program has led to dangerous,
17 crowded, and polluted streets and we cannot afford
18 further delay.

19 The initial law passed nearly four years ago now
20 in 2019, and the list of selected carters has still
21 not been announced. Crashes involving larger and
22 heavier vehicles are more deadly. These trucks weigh
23 several tons and travel all over the city over the
24 course of just one shift working long hours with
25 little protection, creating opportunities for crashes

2 that kill and severely harm pedestrians, cyclists,
3 and other road users. According to the city's 2019
4 study, private sanitation trucks claimed the lives of
5 43 New Yorkers since 2010, people who should still be
6 here today. Full implementation will reduce
7 commercial waste truck traffic by 50 percent. As
8 people have noted before, representing millions of
9 unnecessary truck miles traveled.

10 The changes to this law, the new implementation
11 also increases the safety of New York streets through
12 shorter routes that help workers do their jobs safely
13 and effectively. In other cities that have launched
14 waste zones like Seattle, LA, and San Francisco,
15 commercial companies have only a third of the crashes
16 per driver compared to New York's numbers.

17 We strongly support Intro 933 which will launch a
18 working group to study evaluate and make policy
19 recommendations regarding Commercial Waste Zones. We
20 hope that this working group ensures the equitable,
21 safe, and successful implementation of Commercial
22 Waste Zones. And we recommend that the working group
23 incorporate the following into its work: That it
24 prioritize and incentivize--

25 SERGEANT AT ARMS: Time has expired.

2 MS. ADAMS: --include crash data for private
3 sanitation companies, and set a goal of the reduction
4 of vehicles mile traveled city wide and each zone.

5 Thank you so much for the time today.

6 COUNSEL: Jane, you can begin when the sergeant
7 calls time.

8 SERGEANT AT ARMS: Time has begun.

9 MS. SELDEN My name is Jane Selden, and I Co-Chair
10 the working group Waste Not at 350NYC. As a climate
11 activist group, 350NYC recognizes that the world
12 can't achieve its greenhouse emission reduction goals
13 without directly addressing the cradle-to-grave
14 environmental impact of single use plastic.

15 If plastics were a country it would be the fifth
16 largest emitter of greenhouse gas in the world. The
17 sourcing production and disposal of plastic waste
18 also has a disproportionate impact on the health of
19 low-income communities and communities of color, who
20 live near fracking sites, petrochemical plants, waste
21 transfer stations, and landfill incinerators. We
22 urgently need legislation that holds the companies
23 that produce plastic financially responsible for the
24 waste they produce. For this reason, Waste Not has
25 been advocating for the new improved bottle bill and

2 welcomes and supports New York City Council
3 Resolution 167. The Bottle Bill has been a proven
4 success, as it has incentivized recycling and reduced
5 road litter by 70 percent. However, it's time for
6 the bill passed back in 1982 to be modernized.

7 The new improved Bottle Bill expands the types of
8 containers to include most non-carbonated beverages
9 and increases the deposit fee from 5 cents to 10
10 cents.

11 We've seen that in states where there's a higher
12 fee, there's significantly higher rate of return. In
13 New York the return rate is 64 percent. In Michigan,
14 which has a 10 cent fee, it's an impressive 89
15 percent. The bill also reduces greenhouse gas
16 emissions by enabling more closed-loop recycling of
17 aluminum glass and PET plastic containers. This is
18 because the containers are returned to stores and
19 redemption centers, there's less contamination
20 especially for broken glass than when containers are
21 deposited in curbside bins. Creating products from
22 recycled material reduces greenhouse gas emissions,
23 because significantly less energy is required than
24 producing the virgin material.

2 The bill would also reduce litter that is an all
3 too common sight in New York City streets.

4 SERGEANT AT ARMS: Time has expired.

5 MS. SELDEN: I'm sorry. This street trash is
6 more than just an annoying eyesore. It clogs our
7 drainage system, exacerbating the dangerous flooding
8 we've witnessed on our streets and in our subways.

9 Finally, this legislation will also directly
10 benefit the thousands of canners in New York City to
11 supplement their income by collecting empty
12 containers and redeeming them. 40 years after the
13 original bill passed at a time when the minimum wage
14 was \$3.35 an hour, they are still being paid the same
15 redemption fee. These canners provide an important
16 service in New York City and deserve a raise.

17 Thank you. And I'm sorry I went over time.

18 CHAIRPERSON NURSE: It's okay. Thank you. You
19 actually closed us out for our testimony. I thought
20 we had a lot more on there. I just want to thank
21 everyone who was patiently waiting online for your
22 testimony. I'm sorry, we were shorter. Normally we
23 let folks go on a little bit longer, but I was-- I
24 was I thought we had a longer list so I was a little
25 bit worried. But I just want to thank everyone who

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
Jointly with the COMMITTEE ON SMALL BUSINESS 190

2 participated today for the record and to my Co-Chair
3 Councilmember Menin for all her effort on this
4 hearing, and we will conclude the hearing for today.

5 [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 25, 2023