

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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June 27, 2019
Start: 10:00 a.m.
Recess: 3:14 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS:
Justin Brannan
Fernando Cabrera
Margaret S. Chin
Andrew Cohen
Costa Constantinides
Chaim Deutsch
Raphael L. Espinal, Jr.
Paul Vallone

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

Robert Borland, Deputy Commissioner for
Bureau of Legal Affairs
Department of Sanitation

Noah Genel, Commissioner
Business Integrity Commission

Justin Bland, Director of Commercial
Waste
Department of Sanitation

Christine Billy, Associate Counsel

Ayyad Algabyali, Director of Advocacy
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Bernadette Kelly, International
Representative
Teamsters Local 813

Mary Cleaver, founder
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Kevin Drew, Residential Zero Waste Senior
Coordinator
City of San Francisco

Orlando Guzman
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Garbage Equity (OUTRAGE)

Adam Mitchell
Mr. T Carting

Steve Shengaris (sp?)
National Waste and Recycling Associations

Isaac Jordan
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Management

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Kendall Christiansen
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Daniel Gabbe (sp?), New York Resident

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Brendan Sexton, Member
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Adam Cope
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Anthony Carmona, New York City Sanitation
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Environmental Justice Alliance

Eric McClure, Executive Director
Streets PAC

Ron Bergamini, CEO
Action Environmental Group

Unidentified, New York Resident

Nelson Eusebio, Director of Government
Relations
National Supermarket Associations

Anna Champeni, Director of City Studies
Citizens Budget Commission

Mark Dikas, Executive Director
Soho Broadway Initiative

Oksana Reyes
Bronx Chamber of Commerce

Stephen Leone, President
Industrial Carting

Eric Goldstein
Natural Resource Defense Council

Damon Buchanan, Sanitation Worker
Five Star Carting

Fernando Ortiz, Representative
Hunts Point South Bronx

Andy Moss, Governmental Affairs Manager
Waste Connections

Justin Wood

Greg Todd
Extinction Rebellion Movement

Sandy Nurse, Executive Director
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Meredith Danburg-Ficorelli (sp?),
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Susan Waltman, Executive Vice President
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Gregory Lettieri, Cofounder and CEO
Recycle Track System (RTS)

Heather Ducharme, Director
Storefront Business Engagement
Alliance for Downtown New York

Melissa Iachan, Senior Staff Attorney
New York Lawyers for Public Interest

Lisa Bloodgood
Newtown Creek Alliance (NCA)

John Rojas, NYC Sanitation Worker

Francisco Rivera, NYC Sanitation Worker

Jessica Yantz (sp?), NYC Recycle Worker

Alexis Robinson, NYC Sanitation Worker

Dylan Oakley, Chair
Legislative Committee of the Brooklyn
Advisory Board (BK SWAB)

Michael Greely
Manhattan Community Board Five

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2 SERGEANT-AT-ARMS: Test. Test. This is a
3 prerecorded sound test for the Committee on
4 Sanitation and Solid Waste Management. Today is June
5 27th, 2019. It's being recorded by Michael Leonardo
6 and Israel Martinez.

7 CHAIRPERSON REYNOSO: Oh. Here it is.
8 Do you see the--

9 SERGEANT-AT-ARMS: Ladies and gentlemen,
10 please find seats.

11 CHAIRPERSON REYNOSO: We're good?
12 Sergeant? Sergeant, we're good? All right. Good
13 morning. Thank you. I want to begin by thanking
14 everyone for attending today's hearing. While I
15 believe all the work conducted committee is
16 important, today we will be having a truly critical
17 discussion about a top to bottom overhaul of the New
18 York City's commercial waste management system. We
19 will be hearing a number of bills aimed at reforming
20 the private waste industry including a bill to
21 establish a commercial waste zone system in the city
22 of New York. It is crucial that all voices are heard
23 as we work to develop the system and implement
24 another reforms. But I want to be clear. The
25 private waste industry must be reformed and reformed

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2 now. We will not sit back and do nothing while
3 workers and pedestrian are run down in the streets,
4 while trucks spew noxious fumes in our communities
5 and recyclable materials are being sent to landfill
6 to rot. Today's hearing is not about whether we
7 should reform the industry. It's about how we
8 implement reforms in a way that benefits the entire
9 city. Currently, all private businesses in the city
10 of New York are served by about 90 private carting
11 companies. To receive a carting license, a company
12 and its employees simply have to pass a background
13 check to ensure they have no ties to organized crime,
14 pay the license fee, and then hit the streets. Once
15 a carter has a license, there is very little
16 regulation as to how they operate. This lack of
17 regulation by the city and an environment of bitter
18 competition has produced a race to the bottom where
19 carters sacrifice safety and our environment in the
20 name of their bottom line. Companies are allowed to
21 cheese customers all over the city, producing highly
22 inefficient routes, some with 1000 stops in a single
23 night. This forces workers to cut corners on both
24 their safety and the public's as they rush to
25 complete their routes. Many companies provide little

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2 in the way of safety equipment or training,
3 practically ensuring that dangerous conditions are a
4 result. And when these workers are injured, they
5 often find that they have no health insurance, sick
6 time, or workers compensation to help them recover.
7 When they find this out, a worker may go to his union
8 only to learn that the union is a sham, under company
9 control, and is more concerned with protecting
10 ownership than the workers. It should come as no
11 surprise then that a company that treats their
12 workers this way has no insurance and environmental
13 sustainability. Department of Sanitation trucks are
14 triple the age of Department of San-- I'm sorry.
15 Private sanitation trucks are triple the age of DSNY
16 trucks on average and the recycling rate for
17 commercial waste is dismal. This issue is deeply
18 personal for me. I grew up in a community that
19 handles 40 percent of the city's trash. This over
20 concentration of waste facilities in my neighborhood
21 had impacts far beyond just being a nuisance. Since
22 we have temporary the omissions from these trucks
23 while we walked to school or we play basketball or go
24 to the store. Our community has ended up with one of
25 the highest asthma rates in the city of New York.

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2 Our young people and seniors have dodge these trucks
3 as they cross the street and far too many of them
4 have ended up under their wheel. This situation
5 doesn't come about by accident. It is a direct
6 result of decades of environmental racism. My
7 family, my friends, and my neighbors suffered through
8 these decades-- suffered through this for decades,
9 incurring the impacts while carting companies sped
10 through our streets with complete disregard for our
11 lives. At no point did Davis companies work to
12 improve these conditions or reach out to the
13 community that was hosting them. It was only
14 because-- it is only a wine and I became
15 councilmember and introduced legislation to address
16 these issues that I finally met the folks running
17 these companies. But they were only interested in
18 obstructing my efforts to deliver justice to my
19 constituents. Business is also to not demand
20 accountability from these companies, taking no issues
21 with the inefficiencies, dangerous operations and
22 terrible sustainability practices. North Brooklyn
23 may suffer the most, but the entire city is impacted
24 by these companies. Workers are made to work under
25 dangerous and grueling conditions, suffering injuries

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2 and, at times, death in the line of duty.

3 Pedestrians are being struck by trucks breaking

4 traffic laws in order to complete their routes on

5 time and we are all breathing the omissions of

6 millions of unnecessary vehicle miles being traveled

7 over our streets. And we will all feel the impacts

8 of the massive amount of recyclables that are sent to

9 landfill contributing to an ever worsening climate

10 crisis. Much has been said about a zoned system

11 stifling competition. This completely ignores the

12 fact that this competition is exactly what encourages

13 the behavior we currently see in the industry.

14 Competition will now occur through an RFP process,

15 rather than on the backs of workers. We have also

16 heard this system will kill jobs, however, this runs

17 counter to the findings and the facts in the data in

18 the environmental impact which shows an increase in

19 jobs under a zoned system. Furthermore, we know that

20 many of these jobs are exploiting some of vulnerable

21 members of our society, undocumented folks and people

22 with criminal records. I do not believe a person's

23 status should require them to work a job which they

24 may not come home from, where they use wages may be

25 stolen, where their union is defrauding them. These

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2 are not the types of jobs that any person should have
3 to work in 2019. We can and we will do better for
4 workers in the private carting industry. We have an
5 opportunity to accomplish a number of progressive
6 goals with this bill. It is rare that legislation
7 can address existing systems and such a comprehensive
8 manner. We didn't come up with this overnight. The
9 bill in front of you is a result of years of work by
10 myself, environmental, and labor advocates and the
11 Department of Sanitation. This has been carefully
12 considered and studied. Today we are hoping to hear
13 feedback on how we can improve this plan to better
14 protect our environment and workers and minimize
15 impacts on businesses. I look forward to hearing
16 from everyone here today. Thank you. What's the
17 first panel? Now we are going to call in our first
18 panel. We have Emily Anderson from BIC. Noah Genel
19 from BIC. Robert Borland, Deputy Commissioner of
20 legal affairs from sanitation. Christine Billy,
21 associate counsel for the Department of sanitation
22 and Justin Bland, the director of commercial waste
23 for the department of sanitation. And we're going to
24 have you raise your right hand and be sworn in by our
25 counsel.

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2 LEGAL COUNSEL: Do you affirm to tell
3 the truth, the whole truth, and nothing but the truth
4 in your testimony today and to answer Council member
5 questions honestly?

6 PANEL: I do.

7 LEGAL COUNSEL: Thank you.

8 CHAIRPERSON REYNOSO: Please again.

9 Thank you.

10 DEPUTY COMMISSIONER BORLAND: Is this
11 on? Okay. Good morning, chair Reynoso and members
12 of the sanitation and solid waste committee. I am
13 Robert Borland, Deputy Commissioner for the Bureau of
14 Legal Affairs for the Department of Sanitation. I am
15 joined here today by Justin Bland, director of
16 commercial waste, and Christine Billy, associate
17 counsel. In addition to our colleagues from the
18 business integrity commission. Thank you for
19 inviting us here to testify on this package of
20 commercial waste reform legislation demand on the
21 city's effort to reform, reroute, and revitalize
22 private carting in New York City. Commercial waste
23 sounds will create a safe and efficient collection
24 system that provides high quality, low cost service
25 to New York City businesses wall advancing our zero

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2 waste goals. This approach, developed through
3 extensive stakeholder engagement, reflects more than
4 four years of study and analysis and builds upon the
5 strong foundation laid by advocates and activists,
6 many of our at the hearing today. As the agency
7 responsible for ensuring the safe, efficient,
8 equitable, reliable, and sustainable management of
9 the city's waste, the department of sanitation
10 welcomes the opportunity to testify alongside the
11 Business Integrity Commission on our long-standing
12 efforts to bring much-needed reform to the sector.
13 We look forward to continuing to work with the
14 Council, stakeholders, and advocates to implement
15 comprehensive, meaningful reform and create a system
16 of commercial waste zones to serve the New York City
17 businesses for decades to come. New York City's more
18 than 100,000 commercial establishments annually
19 generate more than 3 million tons of refuse and
20 recyclables. Approximately 90 private carters,
21 ranging from small one truck operations to
22 international, publicly traded companies, collect
23 this waste from commercial establishments across New
24 York City. Businesses from restaurants to retailers
25 to office buildings and hospitals rely on private

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2 carters to collect their waste and keep their
3 businesses running smoothly. New Yorkers also rely
4 on these same companies to help keep our
5 neighborhoods healthy, safe, and clean. However,
6 private carters operate in a disorganized market
7 plagued by inefficiency. In some parts of the city,
8 more than 50 carters service a single neighborhood
9 and an individual commercial block may see dozens of
10 different private waste collections on any given
11 night. We now have some slides to help demonstrate
12 this. In this first slide, you'll see that map shows
13 how many carters are operating in each community
14 district in the city and you'll see a large portion
15 of the city has at least 25 different carters
16 collecting waste every evening. And here is what
17 this looks like at the street level. The different
18 colors represent different carting companies, each
19 with a different truck coming to the same street to
20 pick up garbage and this just shows one street in
21 each borough and it shows, by circles, how many
22 carters pick up waste on this one street. So this
23 impacts the entire city.

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2 CHAIRPERSON REYNOSO: So six-- so I just
3 want to be clear. Six blocks and we have 26 carters
4 on six blocks on the West 57th Street in Manhattan?

5 DEPUTY COMMISSIONER BORLAND: That's
6 correct.

7 CHAIRPERSON REYNOSO: Huh. Thank you.

8 DEPUTY COMMISSIONER BORLAND: And is
9 what this looks like for a single wide in Jamaica.
10 You will see numerous different containers out all
11 being picked up five different carters. These
12 industry wide inefficiencies, such as overlapping
13 truck routes and excessive truck traffic have
14 resulted in very real costs to the public. In these
15 costs take the form of safety, vehicle emissions,
16 noise, and quality of life issues in neighborhoods
17 across New York City. We also heard repeated
18 accounts during our public engagement process that,
19 for many workers in this industry, working conditions
20 are unacceptable. We heard about many instances
21 where companies failed to provide basic worker
22 protections or comply with existing labor,
23 employment, and safety standards. As the
24 administration with a long record of working with the
25 city Council to make sure workers in New York City

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2 are treated fairly, take these concerns very
3 seriously. These accounts demonstrate the clear need
4 to take a hard look at how we can reform this
5 industry. For example, we know in the last decade
6 commercial garbage trucks have been involved in
7 dozens of fatal crashes, including pedestrians,
8 cyclists, and workers. Waste collection is
9 inherently dangerous work. According to the Federal
10 Bureau of Labor Statistics, refuse and recycling
11 collectors have one of the top five most dangerous
12 jobs in the United States. But, a New York City,
13 long routes and exhausting shifts combined to force
14 workers to cut corners and to further their own
15 lives-- to further risk their own minds and lives of
16 others. Compliance with existing safety equipment
17 and training requirements is spotty and guidance
18 documents such as BIC's trade waste safety manual
19 lacks the force of law. The current commercial waste
20 system fails to provide much-needed transparency and
21 fairness to customers. More than half of contracts
22 are simple oral agreements and many payments are made
23 in person and in cash. Compliance with BIC's rate
24 cap relies on self-reporting by carters and customers
25 resulting in efforts by some to evade these

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2 requirements. City regulations require all
3 businesses to recycle and certain establishments to
4 separate organics. But our commercial recycling
5 diversion rate of less than 30 percent lags behind
6 our peers. Businesses that comply with the law and
7 separate recycled materials lack of assurances from
8 carters that these materials are actually collected
9 separately and recycled. City inspectors regularly
10 witness trucks dump mixed refuse and recyclables at
11 transfer stations and carters and businesses
12 regularly deflect blame on each other for failed
13 recycling practices. The current system discourages
14 carters and customers from making investments to help
15 move toward a zero waste future. In studying the
16 industry and hearing from stakeholders and advocates
17 all over the city, we consistently heard that the
18 system is broken and that the city can and should do
19 more to fix it. After over two years of public
20 engagement and internal analysis, we are presented
21 with evidence of a commercial waste collection
22 industry that is unsafe, unfair, and unsustainable.
23 I will now describe the extensive public outreach and
24 stakeholder engagement process that we undertook to
25 develop the city's plan to address the problems in

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2 this industry. In the course of developing our plan,
3 DSNY held more than 150 meetings with more than 200
4 stakeholders, including council members, commercial
5 businesses from all five boroughs in all 20 proposed
6 zones. Labor unions, advocates, corridors, elected
7 officials, and many others. These meetings took a
8 variety of formats including one-on-one interviews,
9 small-group conversations, field interviews, focus
10 groups, and an advisory board of 40 diverse
11 stakeholders convening quarterly. In November 2018,
12 the city released its comprehensive implementation
13 plan. Since then, we have been conducting a detailed
14 environmental review of the proposed plan. As part
15 of this process, the department released a draft
16 generic environmental impact statement, studying the
17 potential environmental impacts of the plan. We
18 received public comments and held three public
19 meetings. The department continues to conduct a
20 vigorous and very public outreach process to
21 strengthen its plan for implementation of commercial
22 ways to zones in New York City. The concept behind
23 commercial waste zones is simple. Instead of up to
24 50 carters operating in a single neighborhood on a
25 nightly basis, there will just be a few. These

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2 companies will be selected through a competitive
3 solicitation process that will identify the carters
4 that can provide excellent service with the highest
5 standards at low prices for each area. The resulting
6 contracts will include standards for pricing,
7 customer service, safety, environmental health, and
8 requirements to promote the cities zero waste and
9 sustainability goals. With fewer trucks on the
10 streets and shorter routes, zones collection will
11 also mean an improved traffic and air quality and
12 less unsafe driving behavior and worker fatigue.

13 Okay. On the next slide, shows a typical route
14 today. To fill up one truck, it goes through four
15 boroughs in New Jersey. Under the proposed plan, the
16 same number of customers would be serviced within the
17 boundaries of the zone, making it much shorter. I
18 mean, the before picture, I think, tells it all.

19 Next one. As indicated in the next slide, citywide,
20 our proposed system would dramatically reduce truck
21 traffic associated with this industry by 50 percent
22 of eliminating more than 18 million miles of truck
23 traffic from New York City streets every year, while
24 maintaining high quality and low cost service to New

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2 York City businesses. It will be safer, fairer, and
3 more sustainable than the system that operates today.

4 CHAIRPERSON REYNOSO: 18 million miles?

5 DEPUTY COMMISSIONER BORLAND: 18

6 million vehicle miles less travel.

7 CHAIRPERSON REYNOSO: And do you mind
8 going back to the previous slide? I just wanted to
9 make sure that people saw what some folks would
10 consider an efficient route on the left before is the
11 case that they were making before we got the study
12 and, now that we have the data and the information,
13 to be able to see it side-by-side really makes a big
14 impact. So, I'm glad that you put this slide
15 together and it was one of the things that you
16 presented. It just shows-- I want to be clear.
17 That's my community. That's community board one
18 where we handle 40 percent of the city's trash and
19 look at the difference that a zone system could do.
20 So I appreciate that slide.

21 DEPUTY COMMISSIONER BORLAND: Yes. And
22 it-- I mean, it shows a truck going through four
23 boroughs and New Jersey to collect one route.

24 CHAIRPERSON REYNOSO: I just don't see
25 the case that could possibly be made. Thank you.

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3 DEPUTY COMMISSIONER BORLAND: Our plan
4 divides the city into 20 geographic zones, as
5 indicated in the slide that is up to now with between
6 three and five carters that would be selected through
7 a competitive procurement process to operate within
8 each zone. Most zones would have three carters, but
9 a few denser, more concentrated districts, such as
10 Midtown Manhattan, could have up to five carters
11 under our plan. The competitive procurement will
12 ensure that the selected carters would be those able
13 to provide a competitive price while also me being in
14 exceeding standards for services, safety,
15 infrastructure investment, and efficiency, while
16 demonstrating a strong commitment to our zero waste
17 goals. Commercial waste to zones will apply only to
18 the collection of commercial refuse, recyclables, and
19 source separated organic waste. It will exclude
20 specialized or intermittent waste streams such as
21 construction and demolition debris, medical waves,
22 and other types of waste that will continue to be
23 collected and managed under existing city and state
24 regulations. Carters that when zoned contracts will
25 be obligated to meet certain contractual requirements
aligned with the cities program goals and objectives.

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2 This approach will standardize the contracting
3 process for customers by requiring written service
4 agreements between carters and customers, requiring
5 transparent monthly bills, then by making the pricing
6 structure more transparent. Under the cities plan,
7 each carter will be able to compete for as few as one
8 or as many as 20 zones, but no carter will be able to
9 win contracts for more than 15. Selected corridors
10 will be awarded 10 year contracts with city options
11 for two 5 year extensions. The department will
12 select carters based on a request for proposals,
13 which will outline minimum qualifications and scoring
14 criteria. The selection process will be fair,
15 rigorous, and unbiased, designed to select the
16 carters that put forth their best overall proposal.
17 While detailed pricing and service agreements will be
18 negotiated between individual businesses and carters,
19 DSNY will negotiate rate caps for each carter through
20 the contract award process. Under our plan, carters
21 will be required to comply with all existing laws and
22 regulations. In addition to the contract
23 requirements, DSNY will have mechanisms to ensure
24 compliance with these laws and regulations of carters
25 failed to comply. DSNY and BIC will work as partners

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2 in both the implementation of commercial waste zones
3 and in regulating the awardees and designated carters
4 under such a system. Awardees must have a BIC
5 license in good standing and BIC will continue to
6 conduct background investigations on all carters to
7 ensure that they possess the requisite good
8 character, honesty, and integrity. DSNY and BIC will
9 have code enforcement authority to issue
10 administrative violations [inaudible 00:21:44]
11 recyclables, unauthorized collection and a zone,
12 interference with the commercial waste zone program,
13 and any other rules that the city promulgates in the
14 future. In addition to creating an efficient,
15 rational system to collect commercial waste, our plan
16 for commercial waste loans also sets out to achieve a
17 number of related program goals. As previously
18 mentioned, the documented safety issues associated
19 with the private hauling industry demand action. New
20 York City's residents expect and deserve safe
21 streets. Commercial ways zones will support the
22 city's ongoing work to eliminate depths and serious
23 injuries on New York City's streets under vision
24 zero. During the solicitation process, corridors
25 will be evaluated in part based on health and safety

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3 plans submitted, as well as their safety record in
4 previous years. Promoting the public safety within
5 the commercial waste industry begins with worker
6 safety. Our plan requires that corridors provide
7 safety and training programs to build a culture of
8 safety within the commercial waste industry and
9 ensure that workers know how to perform their jobs
10 safely. Specifically, carters will be required to
11 provide a minimum of 40 hours of worker safety
12 training to all drivers and helpers that collect
13 waste on city streets. But we all know that training
14 alone is not enough. The choices that companies make
15 regarding how long their drivers are expected to work
16 and under what conditions have a real-world impact.
17 With fewer trucks in the streets and shorter routes,
18 zone collection service will reduce incentives for
19 unsafe working conditions such as placing drivers on
20 14 hour shifts on long, securities routes just to
21 fill up the truck. This will reduce the risk of
22 unsafe driving behavior and worker fatigue and lead
23 to a healthier, safer city. The department will also
24 receive and take appropriate action in response to
25 all whistleblower complaints, including anonymous
complaints. We will establish a displaced employee

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3 list and require that every carter utilize city
4 programs that promote hiring from local communities.
5 New York City has set an ambitious goal of sending
6 zero waste to landfills. While we have primarily
7 focused on the role that city residents play in this
8 effort, businesses have an equally important role in
9 helping to achieve this goal. Under this plan, all
10 carters that provide service within the commercial
11 waste zones will be required to provide recycling
12 collection to the businesses they serve and organics
13 collection to businesses that request it. And they
14 must do so at a discount when compared to refuse
15 collection services. As part of the solicitation
16 process, carters will submit zero waste plans and
17 identify innovative practices to support waste
18 reduction, reuse, and recycling. Carters will also
19 be required to provide third-party waste audits to
20 the customers at no charge to help them identify
21 opportunities to save money and reduce waste. New
22 York City is a leader in fighting climate change and
23 reducing harmful air pollution that affects the
24 health of its residents and the environment. One
25 NYC, the city's blueprint for building a strong and
fair city, calls for substantial reductions in

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2 greenhouse gas emissions to achieve carbon neutrality
3 by 2050. Establishing commercial waste zones is an
4 important step towards this goal. Our analysis shows
5 that annual vehicle miles traveled associated with
6 commercial waste collection, would be decreased by 50
7 percent even after accounting for new truck routes to
8 collect some additional recycling and organics that
9 would be diverted. This reduction of traffic would
10 lead to command sorry reductions of the missions of
11 all kinds, including greenhouse gases, particulate
12 matter, and other air pollutants. Reducing truck
13 traffic associated with commercial waste collection
14 will also lead to co-benefits and other areas. Fewer
15 trucks means less nighttime noise, less roadway wear
16 and tear, and improved quality of life in
17 neighborhoods across New York City. Businesses in
18 New York City demand and deserve consistent and
19 responsive, and dependable service. Commercial ways
20 zones will provide low, fair, transparent pricing for
21 large and small businesses while strengthening
22 minimum standards for customer service. Carters will
23 be required to provide written service agreements to
24 all of their customers outlining rates and any fees
25 so businesses only pay for the waste they produce.

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3 Our plan also preserves competition and customer
4 choice by allowing businesses to select from up to
5 three to five qualified carters and each zone. The
6 city will outline base-lined customer service
7 standards in the RFP that will be included in all
8 contracts between carters and the customers. Minimum
9 requirements will include an itemized monthly billing
10 statement, customized-- customer service hotline,
11 and a website. Additionally, carters will submit
12 customer service plans and their proposals to detail
13 how they will implement customer service support,
14 performance metrics, communication tools, and other
15 community benefits. This approach also provides an
16 exciting opportunity for the city to prioritize
17 investments and waste management infrastructure on
18 two fronts. Resilient, sustainable, and equitable
19 infrastructure and safe, reliable fleets. Through
20 the competitive solicitation process, the city will
21 require carters to submit a waste management plan for
22 always and recyclables collected from customers.
23 This plan will outline the transfer, processing, and
24 final disposal locations for all materials collected.
25 The city will evaluate means waste management plans
based on the principles of sustainability,

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2 reliability, and equity. Safe, modern fleets are key
3 to creating robust and sustainable commercial waste
4 collection systems and carters will be required to
5 maintain a fleet that is safe and capable of
6 performing all applicable collection services for
7 their customers. Proposers that seek to invest in
8 infrastructure and technology that promote program
9 goals including clean vehicles, safety, technology,
10 and sustainable waste management facilities will
11 receive favorable consideration during the selection
12 process. I will now turn to the bill under
13 consideration today.

14 Intro 1574 largely reflects a plan for
15 commercial ways zones that I just described. We are
16 generally supportive of this legislation and are
17 eager to work with the Council to enact a local law
18 that will establish a safe and efficient waste
19 collection system improves the quality of life for
20 all New Yorkers, that works for the city's local
21 businesses, and supports the city's short and long-
22 term goals for a cleaner, safer, and more sustainable
23 city. However, the administration has concerns about
24 one important difference between the introduced bill
25 and the plan I described. Intro 1574, as introduced,

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2 limits the department to select just one carter or
3 zone. Having just one carter and each zone, rather
4 than three to five carters, would achieve only
5 marginal environmental improvement with a truck
6 travel reduction about eight percentage points higher
7 than the nonexclusive plan, but would lead to far
8 greater disruption to an industry vital to the health
9 and safety of our city and its customers. Only a few
10 large carters operating today have the resources and
11 capital to viably compete to be the sole service
12 provider for any such zone. In an exclusive system,
13 nearly all small and medium-size carters would
14 automatically be wiped out. In the four years that
15 we have taken to study this industry and develop our
16 plan, we spoke to scores of customers and business
17 groups. The message from these groups is clear:
18 choice matters. Customers demand high quality and
19 responsive service and they want to be able to fire
20 their card or if the service does not meet their
21 needs. An exclusive zone model would create a
22 monopoly within each zone, eliminating businesses
23 leverage and creating a lopsided power dynamic
24 between carter and customer. In this monopole is
25 stick system, carters would have no incentive to

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2 offer less than the maximum price and, without
3 pressure from regulated competition, service quality
4 would suffer. The city's plan preserves the element
5 of choice, albeit in a more organized fashion than
6 exists today. Some businesses would prefer we keep
7 the current system, despite its very real costs and
8 externality, such as air and noise pollution from
9 access truck traffic. But as I hope you will hear
10 from many of them today, the city's plan reflects
11 years of engagement of listening and reflection and
12 it seeks to achieve a balance between serving the
13 needs of customers and achieving the other program
14 goals that I have described. Lastly, creating an
15 exclusive zone system puts a far greater burden on
16 the city and that apartment to regulate individual
17 service agreements and resolve disputes, while our
18 nonexclusive approach allows customers to fire their
19 carter is the service is not up to par. In an
20 exclusive system, the city would be forced to mediate
21 each and every claim and if a carter failed to
22 provide adequate service to customers in a zone or
23 pulls out of the zone altogether, the department
24 would step in to provide service until a replacement
25 could be procured. In a nonexclusive system, the

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3 city would more freely impose contractual remedies on
4 bad actors, including potentially termination for
5 cause, knowing that other qualified carters could
6 quickly step in to provide this service afterward.
7 The department knows very well the challenges that
8 come with removing thousands of tons of waste from
9 our streets every day. New York City's businesses,
10 small and large, must have high quality, dependable
11 waste collection services at a predictable cost. The
12 adoption of commercial waste zones represents the
13 most significant reform of New York City's commercial
14 waste industry since the creation of the trade ways
15 commission in the 1990s and it is a transformative
16 step forward that will improve health and safety in
17 our communities and for workers in the industry. The
18 department looks forward to working with the Council
19 to build a successful commercial waste zones policy
20 through continued stakeholder participation and
21 public input. We are committed to designing a system
22 that simultaneously improves quality of life for New
23 Yorkers and meets the needs of both the business
24 community and the waste collection industry. I want
25 to thank the sponsors of this legislation and the
other bills under consideration today for their

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3 ongoing partnership it on these efforts. Moreover, I
4 want to thank the activists, organizers, and other
5 stakeholders, many of whom are here today, for their
6 important work over the last several years to help
7 shape the plan for commercial waste zones and for
8 helping to craft this historic piece of legislation.
9 I will now turn over the microphone to Commissioner
10 Genel to address the remaining bills, after which we
11 will be happy to answer your questions.

12 COMMISSIONER GENEL: Good morning, Chair
13 Reynoso and the other members of the city Council's
14 committee on sanitation and solid waste management
15 and other members of the Council. My name is Noah
16 Genel and I am the commissioner and chair of the New
17 York City Business Integrity Commission. With me at
18 the table today is executive agency counsel Emily
19 Anderson and my colleagues from the New York City
20 Department of sanitation. Thank you for inviting us
21 to testify at today's hearing regarding seven bills
22 relating to New York City's trade waste industry.
23 This is an important time for BIC and for the city as
24 a whole. BIC's mission is growing. Today, the focus
25 on the trade waste industry cannot be solely on
organized crime and corruption. It must always be an

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3 essential part of our mission, but we must also seek
4 to protect the people who live in, work in, and visit
5 New York City in other ways, particularly as they
6 travel in our streets. Intro number 1573 will help
7 us do that. My testimony today will focus on the BIC
8 specific bills at issue at this hearing and then I
9 will briefly discuss Intro number 1574 relating to
10 commercial waste zones. The Business Integrity
11 Commission was created by local law in 1996 under the
12 name the Trade Waste Commission. Its mission was,
13 and still is, to free the trade waste hauling
14 industry from the grip of organized crime and other
15 types of corruption. Trade waste, for those
16 unfamiliar with the term is, essentially, commercial
17 garbage or waste and recyclable materials. It can be
18 the common waste and recyclables that come from
19 stores and restaurants or it can be construction and
20 demolition debris from construction sites. If you
21 haul it from a location in New York City, you need a
22 license or registration from BIC. BIC also regulates
23 the wholesale public food markets in the city. For
24 the past 23 years, BIC has fought with significant
25 success against organized crime and other criminality
in the industries it regulates. That fight is far

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2 from over and we remain vigilant. We are also
3 diligently preparing for the January 1, 2020 deadline
4 set by local law 145 2013, the trade waste vehicle
5 omissions law. We have a hearing pursuant to the
6 Citywide Administrative Procedure Act, or CAPA,
7 scheduled for next month on rules relating to trade
8 waste unions as we prepare to start registering them
9 as required by local law 55 of 2019. And, among
10 other things, we continue to enforce the rules that
11 prohibit the practice of co-mingling commercial waste
12 with both recyclables and organics. As you can see,
13 we are a small agency with a great deal of
14 responsibility. As always, we urge the members of
15 the sanitation and solid waste committee and other
16 members of the city Council, as well as members of
17 the trade waste industry and the public in general to
18 tell us if you are aware of a company violating our
19 rules and regulations. Historically, safety has not
20 been BIC's mandate or focus. There are many other
21 agencies that have a hand in public safety. Of
22 course, the New York City Police Department is the
23 first agency you think of when you think about
24 protecting people on the streets of New York. The
25 New York City state and federal departments of

2 transportation also play major roles in traffic
3 safety. We have been working closely with all of
4 those agencies and many others over the last several
5 years as BIC has taken on a larger role in promoting
6 safety in the trade waste industry. In 2016, BIC
7 joined the vision zero task force. Through that task
8 force, we have strengthened our relationships with
9 many of our sister agencies as we work together to
10 improve traffic safety in the trade waste industry.
11 As a result of that work, we established BIC's
12 interest agency collision review panel last year.
13 The panel meets quarterly and brings together members
14 of several city agencies: NYPD, DOT, TLC, DCAS, and
15 DSNY to review fatal crashes in the city that
16 involved a trade waste truck. We want to learn from
17 those crashes and determine whether there is
18 something that can be done to prevent similar crashes
19 in the future. In 2018, we issued our trade waste
20 safety manual and promulgated new rules that
21 require our licensees and registrants to report to
22 BIC on events such as crashes. And also require them
23 to increase their insurance coverage. But we were
24 constrained by our limited authority in the
25 administrative code from issuing new safety standards

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2 in the industry. Intro number 1573 can help change
3 that. Perhaps, most importantly, Intro 1573 would
4 give BIC the power and duty to establish and enforce
5 environmental safety and health standards, including
6 traffic safety requirements for trade waste vehicles.
7 BIC will be able to establish new rules in the
8 industry in areas such as driver training and
9 certification, equipment on tracks, and other issues.
10 While we still must be careful of preemption issues
11 when promulgating rules, we will now have greater
12 latitude to create new standards in the industry and
13 enforce them. As a corollary to that power, BIC
14 would expressly be empowered to deny, revoke, or
15 suspend a license or registration for failure to
16 comply with any city, state, or federal law, rule, or
17 regulation relating to traffic safety or the
18 collection, removal, transportation, or disposal of
19 trade waste in a safe manner. Collecting and hauling
20 trade waste is an inherently dangerous job. Where
21 there is a company that demonstrates a pattern of
22 behavior that creates a danger to the public, we will
23 now have more tools to help address that problem.
24 But with respect to intro number 1575 regarding
25 additional penalties to be issued to trade waste

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3 companies for their drivers violations of the New

4 York vehicle and traffic law, and there may be legal

5 concerns that we have to work through as the bill

6 moves forward. Regarding Intro number 1611 which

7 relates to DSNY permitted transfer stations, BIC

8 supports increased coordination between BIC and DSNY

9 on transfer stations which are a critical part of the

10 trade waste industry. BIC will continue to

11 communicate with DSNY on transfer stations and is

12 also conducting a full review of the ownership of all

13 transfer stations in the city. Where BIC sees an

14 issue, it will recommend action for DSNY to take.

15 With respect to the unions that the transfer

16 stations, BIC has not dealt with those unions and has

17 not gained expertise in this area and we look forward

18 to working with Council to ensure BIC has the proper

19 tools to regulate this industry. Additionally, the

20 law department is reviewing the bill to see if there

21 are any legal concerns. BIC supports the principle

22 in Intro number 1082 of requiring GPS and trade waste

23 trucks, but would like to work with the Council to

24 find an appropriate scope for the requirement. This

25 bill makes sense in the context of commercial waste

zones and DSNY accepting the information and

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2 processing it. As currently drafted, Intro number
3 1082 applies to all trade waste vehicles that are
4 registered with BIC. That is approximately 7500
5 vehicles and includes not only large packer trucks
6 and dump trucks, but also pickup trucks and other
7 smaller vehicles. It applies to all BIC licensees
8 and registrants, including self-haulers, many of whom
9 are landscapers. The cost to the industry would be
10 significant and the administrative burden on BIC
11 would be massive. BIC does not have an IT
12 infrastructure capable of accepting and analyzing
13 what would surely be a massive amount of data from
14 those 7500 trucks. Intro number 1083 would set a
15 specific range for penalties for failure to disclose
16 employees to the commission and license applications.
17 BIC already issues administrative violations for
18 nondisclosure of employees, but intro number 1083
19 removes BIC's discretion as to what the penalty is.
20 Currently, BIC's response to nondisclosure of
21 information can range from a low level penalty up to
22 the denial of an application. Where the
23 nondisclosure appears to be inadvertent or the result
24 of a misunderstanding, BIC generally has imposed less
25 her finds and, at times, has given a warning. Toward

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2 the other end of the spectrum, fines can be steeper,

3 up to 10,000 dollars based on a number of factors,

4 including the licensee's record of compliance with

5 BIC's rules. And where an applicant has

6 intentionally failed to disclose a principal or a key

7 employee, BIC has denied a license or registration

8 application. While BIC recognizes the Council's

9 intent and intro number 1084 a, which would require a

10 minimum of three employees per trade waste truck or

11 the maximum number of employees that can physically

12 accompany each vehicle, this bill has a number of

13 issues. As best addressed by DSNY, there are a

14 number of operational issues that this bill raises

15 such as the fact that some operations, such as

16 driving a roll off truck, can safely be accomplished

17 with one person. Lastly, I won't turn to Intro

18 number 1574, which is the commercial waste zone

19 legislation. BIC supports this DSNY-led effort to

20 transform the system in New York City for hauling per-

21 trust civil commercial waste. In other words, the

22 run of the mill commercial garbage and recyclables

23 that every business generates and must hire a hauling

24 company to take away. We stand ready to be a

25 supportive partner in this effort, to help ensure the

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3 integrity of the companies operating in the new
4 structure and their compliance with all related
5 rules, regulations, and other requirements. This
6 package of bills has the power to change the
7 commercial carting industry in New York City for the
8 better. From BIC's perspective, we are looking
9 forward to working together with you, Chair Reynoso,
10 the rest of the sanitation and solid waste management
11 committee, and all of our other partners to make New
12 York City's carting industry safer, cleaner, more
13 efficient, and more transparent. Now, I am glad to
14 answer any questions that you have.

15 CHAIRPERSON REYNOSO: Thank you for
16 your testimony and I just want to acknowledge that we
17 were joined by Council members Cohen, Vallone, and
18 are joined currently by Council member Espinal.
19 Cohen and Vallone have gone to another hearing and
20 are coming right back because they have some
21 questions. But, can we please put the slide-- and I
22 want to stay with the slide that shows the route that
23 goes through New Jersey? That one. So, just leave
24 it there. I think that that's important that we
25 continue to see about the concept of what we're
trying to do here is accomplish efficiencies in

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2 vehicle miles traveled at a minimum to, you know,
3 contribute to the saving our environment and cutting
4 back and making sure that climate change is something
5 that we are addressing in a meaningful way in the
6 city of New York. On top of that, we have other
7 things outside of environmental issues that are
8 workers safety and recycling rates being increased
9 and so forth that we want to make sure that we can
10 achieve. But I do want to ask a couple questions
11 about the current market. What is the market share
12 like? So, you said we had about 90 businesses. I
13 wanted to know, of those 90 businesses, the top 20,
14 for example, businesses-- or the 20 carding
15 companies that hold the most trash in the city of New
16 York, what is their market share overall in the city
17 of New York? I want people to-- and myself-- to be
18 able to grasp the concept of who is doing the work in
19 the city of New York now.

20 DEPUTY COMMISSIONER BORLAND: Okay.

21 First, I just wanted to thank the Council again for
22 having this hearing on this very important
23 legislation. I think it's a tremendous when for all
24 New Yorkers. It will result in less air pollution,
25 less noise pollution, 18 million miles of truck

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2 traffic saved, enhanced public safety, and improved

3 employee safety. To answer your specific question,

4 I'm going to defer to Justin Bland who is the

5 director of commercial waste and who has spent nearly

6 4 years working on this plan, so he can better answer

7 that question.

8 JUSTIN BLAND: Yes. Thank you. So, to

9 answer your question, there are about 250 companies

10 that are licensed by big to handle all types of trade

11 waste, including putrescible waste. Of those 250

12 that could be doing this activity, there are

13 approximately 90 that regularly collect the type of

14 waste that we are talking about regulating. So, of

15 those 90 companies, those range from large

16 international-- one large international company,

17 some multistate operations, down to one into truck

18 operators. So, it's a spread. The largest company

19 has about 15 percent of the market share.

20 CHAIRPERSON REYNOSO: So, one company

21 has 15 percent of the market share right now?

22 JUSTIN BLAND: That's right.

23 CHAIRPERSON REYNOSO: Okay.

24 JUSTIN BLAND: That's roughly 15,000

25 customers. There's another couple of companies with

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2 over 10,000 customers, and I would say there is about
3 10 companies with a few thousand to seven or 8000.
4 And there are many, many companies with less than
5 1000.

6 CHAIRPERSON REYNOSO: So, when I talk
7 about market share--

8 JUSTIN BLAND: Sure. So--

9 CHAIRPERSON REYNOSO: can you help me
10 come-- there's a lot of numbers you throughout
11 there. It seems like you have a one-- everyone
12 thousand companies equals one percent of businesses
13 in the city of New York because you said 15,000
14 accounts--

15 JUSTIN BLAND: [interposing] To use
16 round numbers--

17 CHAIRPERSON REYNOSO: for 15 percent.

18 JUSTIN BLAND: Yeah. There's 100,000
19 customers.

20 CHAIRPERSON REYNOSO: So, help me out
21 here.

22 JUSTIN BLAND: So, the top 20
23 companies-- to directly answer your question, the
24 top 20 companies handle about 80 percent of the
25 market share.

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2 CHAIRPERSON REYNOSO: So for the public
3 hearing here and the folks paying attention, so there
4 seems to already be a consolidation that is happened
5 within the trade waste industry where the top 20
6 companies of 90-- or we can say, maybe, 20-- 25
7 percent of the companies account for 80 percent of
8 the business in the city of New York already. Is
9 that a fair statement to be made?

10 JUSTIN BLAND: Yeah. It's a
11 consolidated industry.

12 CHAIRPERSON REYNOSO: So, the 70
13 companies that do about 20 percent of the city's
14 trash-- So, that's 70 percent-- 70 companies that
15 are left over only do 20 percent of the cities work.

16 JUSTIN BLAND: Right. And keep in mind
17 that there is other types of waste that these
18 companies are probably doing, as well, like calling
19 construction debris or--

20 CHAIRPERSON REYNOSO: Right. Right.

21 JUSTIN BLAND: clear out something.

22 CHAIRPERSON REYNOSO: Understood. So we
23 have a conversation that's being had and a point
24 that's been made about choice, but it seems like the
25 city of New York has chosen to do work with mostly 20

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2 businesses-- already 20 carters. It's the choice
3 that it seems that the city of New York have already
4 made. And I'm not talking about you in the city. I
5 guess, the businesses of the city of New York have
6 chosen that these 20 companies are going to be the
7 one that we are mostly going to lean on to do the
8 work that we are asking.

9 JUSTIN BLAND: 80 percent of them?

10 Yes.

11 CHAIRPERSON REYNOSO: 80 percent of them.

12 So, I just want to make sure that, when it comes to
13 that conversation, that something that we talk about
14 because--

15 JUSTIN BLAND: Sure.

16 CHAIRPERSON REYNOSO: there's going to be
17 a group of folks that are going to talk about choice
18 and it seems like they've already, within themselves,
19 consolidated themselves to about 20 companies that
20 they think are doing, I guess, good work in the city
21 of New York and should continue to get their
22 contracts and be clients of the Bears. So, what
23 about payment? Do you-- did you see the study and
24 the work that you've done regarding what businesses
25 pay, there are companies that are concerned about

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2 their prices going up and I think small businesses,
3 midsize businesses, and large businesses all have
4 different types of needs. But I think what I saw in
5 the studies that the smaller the business, the more
6 they were paying for their trash. Is that a fair
7 statement, as well, and can you elaborate on the
8 findings in this study that speak to how much
9 businesses are paying?

10 JUSTIN BLAND: Right. So there is a
11 citywide recap that the Business Integrity Commission
12 sets, so it's illegal to charge above that rate cap
13 on a per weight or per volume basis. So--

14 CHAIRPERSON REYNOSO: Okay.

15 JUSTIN BLAND: just to start, everyone
16 is under the rate cap.

17 CHAIRPERSON REYNOSO: Right.

18 JUSTIN BLAND: Or should be under the
19 rate cap. Beyond that, it's largely up to what a
20 customer negotiates. What we have seen today through
21 interviews and thorough analysis of the data is there
22 is very little logic to who pays what. What we see
23 is the ability to negotiate, the knowledge that you
24 can negotiate is really what determines your rate.
25 So, this does bias larger producers-- or biases the

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2 system in favor of large producers. So, if you have
3 a big portfolio of properties and a lot of wasted and
4 this is a large lucrative contract, you can negotiate
5 a better deal than say a corner bodega can.

6 CHAIRPERSON REYNOSO: Right.

7 JUSTIN BLAND: So, in our initial study
8 that led us to pursue this system, we found that
9 small customers pay-- I believe the number is 38
10 percent-- more than large customers.

11 CHAIRPERSON REYNOSO: Okay. So smaller
12 businesses are paying 38 percent more on average than
13 the larger businesses. Of course, there are economies
14 of scale that we understand that the more trash
15 you've got, you have, I guess the less you pay, but
16 when it comes to shipping, that doesn't change,
17 right? Wherever their transfer station is, it's--
18 and I make this number up. 20 dollars a time, you
19 tip it. That's how much you pay. That's not going
20 to change in the back end, but in the front end, the
21 trash is valued at different rates. Is that also
22 something-- so, when the customers are paying for
23 the trash to be picked up, the varies significantly,
24 but when you tip it, is the tipping fee generally the

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2 same across the board? A truck is a truck is a
3 truck?

4 JUSTIN BLAND: Right. So, when a truck
5 is paying a transfer station to dump its contents,
6 there is no distinction between this is bodega waste
7 and this is an office building waste.

8 CHAIRPERSON REYNOSO: Right.

9 JUSTIN BLAND: Like you said, trash is
10 trash.

11 CHAIRPERSON REYNOSO: Okay.

12 JUSTIN BLAND: For charges to
13 customers, you know, we found, again, through data
14 analysis and through interviews is this is largely a
15 transparency issue.

16 CHAIRPERSON REYNOSO: Right.

17 JUSTIN BLAND: And the knowledge that
18 you can negotiate is not always out there--

19 CHAIRPERSON REYNOSO: Yeah.

20 JUSTIN BLAND: to smaller businesses.

21 CHAIRPERSON REYNOSO: Uh-hm. That's very
22 important. To the business community I really want
23 to communicate that to. There is a discrepancy there
24 and how much carters are charging folks. It really
25 has no sense. It's kind of like who knows their

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2 rights to be able to negotiate and who doesn't and
3 whether they can do that. I wanted to ask a question
4 of BIC and you guys let me know if I'm talking to the
5 right agency here when I ask a question. There was a
6 Sanitation Salvage is a company that went out of
7 business. When they went out of business, I believe
8 there was a process by which BIC and DSNY allowed for
9 other carters to go about picking up that business.
10 So they were told, look, this is the quiet list of
11 the work that Sanitation Salvage is to do. You can
12 go ahead and pick that trash up. What was the
13 success rate of the transfer of business between
14 several carters and sanitation salvage businesses?
15 And I'm saying this-- I guess the question that
16 imposing comes from foundational in that I heard from
17 some of these larger companies that they actually
18 couldn't take on the business at the price that
19 Sanitation Salvage was charging. That Sanitation
20 Salvage was charging prices that were so low that it
21 didn't meet basic operational like minimums for them
22 to be able to make any profit off of it. And that
23 goes to this race to the bottom situation where you
24 are trying to charge the least amount so you can get
25 the most amount of businesses, but in doing so, you

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2 can pay your workers a decent wage. You can't make
3 investments into your facilities. And you definitely
4 can't make investments on your trucks. So I just
5 want to know if that premise and that thought that I
6 am moving through has any foundation, I guess.

7 JUSTIN BLAND: So, with Sanitation
8 Salvage, you are exactly right. What we found on the
9 sanitation end-- working with BIC, I managed the
10 day-to-day managing of which customers are switched
11 and which DSNY has to provide emergency service for.
12 Anecdotally, from customers, other carters across the
13 board, it's like you said. They were charging rates
14 that no one else had in a decade. These were bottom
15 of the barrel rates and, through our investigations
16 and the reason that they were denied, we know how
17 they could do that. It's that they were achieving
18 their workers and they were running them 14 plus
19 hours shifts and paying less than the minimum wage.
20 So, in Sanitation Salvage, that's absolutely true.

21 CHAIRPERSON REYNOSO: So, when a small
22 business who doesn't know the background of this--
23 of what's happening with Sanitation Salvage, for
24 example. They only know that there's a truck that
25 comes and picks up my garbage. Then they do it at a

2 very affordable rate. For business, that's a good
3 thing. They've got to make sure that they cut as
4 many-- you know, that their bottom line is in a way
5 that they can make some money. They can pay their
6 workers and they continue to do work in the city of
7 New York. We want to make sure we support businesses
8 and that they can continue to do this work. But I
9 want--- I guess what I want them to see is like Paul
10 the curtains back. That what they've done is that
11 they've paid workers 80 dollars to be in the back of
12 the truck and night and with hours that we've heard
13 range from 12, 14, and 16 hour days. So the
14 workers-- drivers that are getting paid a low
15 amount, vehicles that are out of date, recycling not
16 being something that is encouraged or something they
17 care about. So, just loads of concerns that we have
18 in the city of things that we want to address. We
19 want to address the environment. We want workers
20 safety. We want to make sure people are paid a fair
21 wage or, at least, minimum wage. A legal wage which
22 also wasn't happening. But they are getting a good
23 deal on their end. And I want to make sure that we
24 put that in perspective. That there is a cost to you
25 not paying of a fair wage here in the work that you

2 do in getting your trash hauled. It means that
3 workers can die like Mouctar Diallo (sp?), who was
4 one of the members that died who was a worker for
5 Sanitation Salvage who is getting paid 80 dollars a
6 day. That's the type of stuff that we are trying to
7 address. No, I want to make sure I put that in
8 perspective, as well, because there are companies
9 that are doing the right thing. There are companies
10 that are paying their workers a fair wage. There are
11 companies that are providing safety. That have newer
12 trucks. Those companies are trying to compete with
13 the Sanitation Salvage is of the world that don't
14 care about these workers. They don't care about
15 these trucks. We're not trying to go after these
16 carding companies that are doing the right thing. We
17 want them to continue to do work in the city of New
18 York. They are meeting a standard that we believe is
19 a New York standard. But there are a lot of
20 businesses that are not and that is the ones-- those
21 are the ones that are going to suffer through this
22 system. There are a lot of conversations about we
23 don't want to get rid of these carters. They are
24 small businesses. But in this case I want to be very
25 clear. If you are killing people, if you are not

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2 paying people a fair wage, if your trucks are
3 destroying the environment, destroying our streets, I
4 don't want you to do business in the city of New
5 York. So I just want to be clear. That's a
6 statement from me that I want to make sure is clear.

7 [applause]

8 CHAIRPERSON REYNOSO: So, I got-- I want
9 to ask one more question because I want to allow for
10 my colleagues to also ask questions and we've also
11 been joined by Council member Constantinides and Mark
12 Gjonaj. So, Los Angeles is a very popular comparison
13 city that the folks that don't want this to happen
14 always referred to. I've done my own research about
15 what's happened in LA and I am up to date with what's
16 happening in LA. I believe the systems are
17 different. I believe that the work that LA was doing
18 was almost exclusively in environmental justice push
19 more so than a business model and transaction push.
20 They didn't care about the prices at the tail end.
21 What they wanted there was vehicles miles travels
22 reduced and they wanted to make sure that they were
23 interesting and environmental issue as a coastal city
24 in a coastal state. I understand why they care
25 deeply about the environment and wanted to do that.

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2 But can you give us some contrast as to why this--
3 and the negative parts or maybe there are places
4 where they are actually the same in positive parts.
5 But how does this differ to LA in any way?

6 JUSTIN BLAND: So, just stepping back
7 before addressing Los Angeles, Los Angeles was not
8 the first city to do this. This is a common policy
9 and there are many different ways of doing it all
10 across the country from--

11 CHAIRPERSON REYNOSO: [interposing] Can
12 you name a couple of cities that have also done it
13 that are not Los Angeles?

14 JUSTIN BLAND: So, many small towns
15 will have an exclusive contract or some sort of
16 nonexclusive arrangement more municipal or
17 residential pickup. So, you know, large company will
18 chose to hold the contract and provide household
19 collections. That's very kind in a small town that
20 doesn't have their own municipal workforce. There
21 are many cities, larger cities-- and this is mostly
22 on the West Coast, but also in the middle and on the
23 East Coast that have a variety of different systems.
24 So, it's a flexible policy that can be tailored to
25 the specific policy needs and just the specific

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2 conditions of a city. Los Angeles was an exclusive
3 zone franchise, so they split the city into 11 zones
4 and one hauler got the right to work in each zone.
5 There are others cities with nonexclusive systems
6 where a handful or sometimes it's more like a much
7 more regulated permitting system where you are
8 actually in contract with the city. There's examples
9 like San Jose where the process was used largely to
10 build an advanced disposal network. So, it varies.
11 Los Angeles is one. It's definitely the most notable
12 in the news recently as we are doing this. But a
13 difference between their plan and our proposal-- the
14 key issue is we are proposing a nonexclusive plan.
15 It's similar to how Los Angeles approached it with
16 incentivizing environmental benefits, efficiency, and
17 shows protections for safety and workers. Ours
18 allows-- our plan allows a baseline of three carters
19 and the densest areas going up to five. And it
20 addresses a lot of what I'm sure will hear about Los
21 Angeles, some of which is mostly based on anecdotal
22 evidence. So, there was notably a bumpy transition.
23 When Los Angeles rolled out. There are many
24 complaints about missed pickups. That is something
25 we take very seriously and we think a nonexclusive

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2 system will directly address that in giving customers
3 the right to say, oh, this corridor is not doing his
4 job right away? Okay. I have a backup. So-- and
5 this is much more anecdotal. Pricing complaints.
6 Saying, you know, my bill doubled. My bill tripled.
7 Some of that might be that you had a company that
8 wasn't paying its taxes, which I know was the case in
9 Los Angeles or you had a company that wasn't
10 recycling, which was also the case and now it has to
11 recycle. But we also think that we can increase the
12 standards and give customers some choice on price, as
13 well. So, if you get a quote and it's through the
14 roof, you have a backup and companies knowing that
15 they have a backup will incentivize them to offer
16 very competitive rates.

17 CHAIRPERSON REYNOSO: So, I wanted to
18 have a conversation about the exclusive or
19 nonexclusive. I want to say that this plan is a lot
20 more than this conversation that we are about to have
21 and I'm glad that we were able to address other
22 issues outside of that in a meaningful way and I'm
23 looking forward to hearing more testimony. I want to
24 make a couple of arguments that I've heard on our
25 front why exclusive zones makes sense. And I've

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2 actually heard this from the carding companies
3 themselves and how we can actually save money for
4 businesses. So, now I want to look out for the
5 interests of businesses here and see how we can do
6 the most good with the least amount of harm. Right?
7 Which is how to achieve these goals of reducing
8 vehicle miles, making sure that workers are getting
9 paid what they're supposed to get paid, and that
10 those Sanitation Salvages of the world don't continue
11 to do work in the city of New York, while also making
12 sure that we don't hurt businesses in their bottom
13 line. A carding company told me that if they have a
14 guaranteed amount of businesses, they could present a
15 lower bid to the Department of sanitation through an
16 RFP. If they know that they're going to have 10,000
17 customers, for example, for 10 years guaranteed and
18 know exactly how the route is going to be laid out
19 even before they present you with the RFP-- or when
20 they present you with the RFP, without having to find
21 businesses, that they can have a very efficient route
22 with guaranteed businesses for 10 years, then they
23 can present a very, very low bid to the city of New
24 York. If you insert several other people into--
25 several other carting companies into the bidding

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3 process, they can't guarantee those 10,000
4 businesses. Now they're talking about fighting for
5 those 10,000 businesses between two other carters and
6 saying that they're going to have to project, let's
7 say 20 percent of the businesses. That they can get
8 20 percent of those businesses. They're going to
9 have to do without the low end, depending on the
10 comp-- however the competition works. In doing so,
11 they're going to have to present routes that are not
12 as efficient and are not as direct as they would have
13 been if it would've been exclusively a one carter
14 zone and also not being able to guarantee the amount
15 of businesses either. They don't know if they are
16 going to be generating X amount of dollars versus Y
17 amount of dollars because there's no guarantee on the
18 businesses. So, on that end, they feel like, with
19 the route efficiency, which we save on putrescible--
20 putrescible. I'm sorry. Petroleum or gas. They
21 will save on gas through these efficiencies. They've
22 also said that the hours by which their workers would
23 work would be reduced significantly through a more
24 efficient route, so variable to get their workers to
25 work fair hours, less gas, and guaranteed businesses
allows them to come with a more competitive price.

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3 For businesses, I thought that this would be
4 something that they would be interested in because it
5 helps their bottom line. How would a nonexclusive
6 zone help achieve those goals, at least, when it
7 comes to the pricing that were charging these
8 businesses?

9 JUSTIN BLAND: Right. So, there's a
10 lot there. I can get to every point. Just remind me
11 if I haven't covered it. So, just for what
12 businesses actually want, we know that in the zone
13 system-- and we've looked at dozens of different
14 models and the process that we went through in
15 evaluating the benefits. The simple act of putting
16 some boundaries around how a route is run, as you can
17 see here, this is the before and after. They after
18 is not the perfect computer-generated house to house
19 route. There is some inefficiency there, but you can
20 see it's dramatically more efficient. So, this is
21 what a nonexclusive route would look like. Any type
22 of system we have is going to bring huge 50 percent
23 and greater traffic reductions and associated
24 efficiency benefits with that. With that comes lower
25 operating costs and this is what our draft
environmental impact statement showed. Even with

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2 additional program requirements, there will be lower
3 operating costs, so this policy change will not
4 increase the bottom line for carters and that should
5 not be passed on to customers. The way we ensure
6 that is by making this a very competitive
7 solicitation process. Making the zone contracts
8 valuable. Your point was that an exclusive system
9 would be more valuable to a Carter. I think there is
10 a good point to that, but if you ask businesses what
11 they want and what they think about that, you know--
12 I've engaged hundreds of businesses. Probably
13 thousands with our representatives. Not a single one
14 thinks that they will get better price with an
15 exclusive system. They don't need 90 carters
16 operating on their streets. Most businesses shop.
17 When they shop around, it's the 3 to 5 range. This
18 replicates basic choice and just having a backup.
19 Having even the threat of firing your carter handles
20 most service complaints and it gets you a lower
21 price. So if you ask businesses what would be better
22 for you-- and I think you will hear it today. It's
23 going to be the nonexclusive system. For carters,
24 yeah, it would be great if carters had guaranteed
25 business. But I think if they had guaranteed

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2 business and they don't have the threat of losing
3 customers, then your service can go down. So we want
4 them to have to work. We want them to have to offer
5 competitive prices. They're going to have to offer
6 competitive prices in their bid and a good service
7 plan in their bid just to get the city contract and
8 then they're going to have to compete with the
9 customers. So we want the carters to work to get
10 market share. We think that's a good thing. It's a
11 good thing for customers.

12 CHAIRPERSON REYNOSO: All right. I'm
13 going to have two more questions and then I'm going
14 to pass it on to my colleagues for questions. Now,
15 the they issues I have fair in the conversation is,
16 once we go through the RFP, do you have a projection--
17 - if you want to make that statement publicly-- of
18 how many carters through a nonexclusive zoned system
19 will it end up having contracts with the city of New
20 York and like once the number of carting companies
21 that we would be left with.

22 JUSTIN BLAND: Sure. So, we don't have
23 a number and I want to make it clear that we don't
24 think the number of companies is an inherently bad
25 thing. The problem we are addressing is that we have

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2 90 companies and that they are all operating on top
3 of each other and they are operating on the same
4 streets. There is a way to organize this and allows
5 smaller companies and a range of companies to survive
6 in this and that's what our plan sought to achieve
7 and we think it's a fair playing field in our plan
8 that a five truck operator can be very competitive
9 and can have very efficient operations and can
10 actually compete with the multinational firms. If
11 this were an exclusive system, there are five
12 companies that operate today that have the capital
13 and have the customers to be competitive. So, those
14 small companies would be-- they would not have the
15 chance to compete. We want the best companies to get
16 contracts. Not just the biggest. It has to be the
17 best.

18 [applause]

19 CHAIRPERSON REYNOSO: So, I wanted to
20 talk about the zones. So right now, you're operating
21 under this understanding that there are 20 zones in
22 the city of New York is you cut them up to. I want
23 to be clear-- and a lot of people and consult
24 members and some businesses make the case that if you
25 have 20 zones and one carter can have 15 of them

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2 under an exclusive zone, in all, you can have three
3 carters run the whole city. But the legislation
4 doesn't preclude you from adding more zones. The
5 legislation says at least 20. So, I want to start by
6 making clear with people that were not asking for 20
7 zones necessarily. We want to-- what we want to do
8 is allow for the businesses to have the lowest amount
9 of prices in doing so, but also allow for there to be
10 an increase in the amount of zones that we can have
11 so that one carter can't have, you know, 75 percent
12 of businesses. That would be impossible to do. You
13 can expand off of the 20 zones. Your original study,
14 for example in Staten Island, has three zones. That
15 could easily-- that's three carters and one entire
16 zone. That could be made into three zones in Staten
17 Island of individual carters in each. So just
18 speaking and having the conversation about that--
19 the zones are not necessarily set in stone and that
20 were not saying that we want to do this under 20.
21 So, were going to have folks under false premise and,
22 of course, with misinformation tried to state the
23 claim that three to five carters could end up running
24 the entire city. That is not our goal in any way,
25 shape, or form. That is not what we are trying to

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3 accomplish here. We do know that we can expand the
4 number of zones we have and make them smaller and
5 allow for more carters to do business in the city of
6 New York. So, I just want to make sure that we--
7 that that's clarified here that the legislation
8 specifically says 20 years at a minimum, but it
9 doesn't The amount that we could expand it to and
10 that we are not looking to make the city of New York
11 a five or even a 10 carter city. That we actually
12 think that there is actually a lot more carters than
13 that that do good work here. But I do want to say a
14 reduction in the amount of carters that are doing
15 business in the city of New York is a goal that I
16 have. That I think it's important because this
17 customer satisfaction the businesses are talking
18 about and service, if you when an RFP, you're one of
19 the top companies in the city of New York. You're
20 not talking about a B level company. You're talking
21 about a level companies winning an RFP that's
22 extremely competitive and rigorous. Off the bat, you
23 are getting a good company. So I just want to be--
24 and I want to be clear. I trust that those companies
25 that get these contracts at the top are elite
companies that understand service and understand

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3 making sure that their customers are taken care of.

4 So I want to be clear. The RFP process right off the

5 bat and ensures that you are going to get a high

6 quality carter. Possibly if you are within the 20

7 percent of the city that's not using one of the top

8 20 companies, an increase in service and in product

9 and in how people do their work. So I just want to

10 be clear that you won't get good service-- you're

11 already getting one of the top, at least, 20

12 companies in the city of New York in your district or

13 in your zone, which is a vast improvement of those

14 fight of-- now can we go to the slide of the 25

15 carters in one block? This one on West 57th Street.

16 25 carters on one block. And out of those 25

17 carters-- going to throw up a fake number and just

18 make it up. Five-- Let's say five carters are bad

19 carters. Those five businesses are already going to

20 get an improvement right off the bat in the RFP

21 system. So I just want to say that the RFP itself is

22 supposed to provide good players. So I want to just

23 clarify those points. And then, for BIC, the city of

24 New York does business with very-- when I call shady

25 companies. Sanitation Salvage did business with the

city of New York. Five Star did business with the

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3 city of New York. Flag did business with the city of
4 New York. The city of New York has no-- seems to
5 have no problem doing business with carting companies
6 that seem to have very negative check records. So,
7 my concern actually comes from are we going to make
8 it read of the bad guys in this system when BIC
9 itself allows for the city to do work with carting
10 companies that are very suspect?

11 COMMISSIONER GENEL: So, BIC doesn't
12 directly hire carting companies for the city. BIC
13 vets the carting companies and we are constantly
14 looking at their good character and integrity. As he
15 saw two weeks ago, we denied the renewal application
16 of Flag and Formica Container and, as of yesterday,
17 they are out of the industry. So, where we see those
18 issues, we take action.

19 CHAIRPERSON REYNOSO: So, who evaluates
20 whether a carting company deserves to do business
21 with the city? Because it seems like every time BIC
22 finishes an investigation and finds out that they are
23 bad, DSNY house to scramble to move the contract over
24 to more reputable, I guess, company. But why is it
25 that the city of New York doesn't have a system in
place to track who is good and who is bad and whether

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2 or not this RFP system is going to-- would help us
3 through that? That's for DSNY. So it's just your
4 evaluation system right now, I guess, is what I'm
5 saying is suspect. What makes me feel comfortable
6 that an RFP system would allow for us to ensure that
7 the Flags, the Sanitation Salvages, and the Five
8 Stars of the world are not the ones receiving
9 contracts?

10 DEPUTY COMMISSIONER BORLAND: Yeah.
11 So, the commercially zoned system will solve any
12 problem that exists. The RFP process will be
13 exhausted. We will look not just at price, the
14 health and safety plans, the prior work records,
15 prior records and safety dealing with employees, fair
16 wages. You know, there will be a solid waste
17 management plan. It will be an exhaustive review
18 and, through this, you know, very detailed process,
19 we will be able to select to the best carters to
20 collect waste--

21 CHAIRPERSON REYNOSO: [interposing] And
22 you can't do that now?

23 DEPUTY COMMISSIONER BORLAND: Well, we
24 don't-- Yeah. Right now, and the Department of
25 sanitation doesn't regulate commercial carters.

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3 CHAIRPERSON REYNOSO: Okay. So an RFP
4 system is supposed to be the system that will allow
5 you to now be able to track who is good and who is
6 bad.

7 DEPUTY COMMISSIONER BORLAND: Yes. And
8 there will be contractual remedies so that if a
9 carters and complying with the contract that it
10 enters into the city, we can take immediate action,
11 including an up to termination.

12 CHAIRPERSON REYNOSO: Okay. Thank you.
13 And now I'm going to allow for my colleagues to ask
14 questions. I'm going to put three minutes on the
15 clock and where going to start with Council member
16 Constantinides followed by Council member Gjonaj.

17 COUNCILMEMBER CONSTANTINIDES: Thank
18 you, Chair Reynoso. I have three questions, so I'm
19 going to ask the questions first and then you can
20 take the time to answer them. Number one, how does
21 the commercial waste zone bill help us meet the
22 administration's goal of zero ways by 2030 and our
23 overall goal of reducing emissions 80 percent by
24 2050? Second, what role does recycling and
25 composting have to have in lowering greenhouse gas
emissions? And three, how will commercial waste

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2 zones create jobs and recycling in the city of New
3 York?

4 JUSTIN BLAND: So, starting with the
5 missions, the big obvious benefit here is we are
6 reducing truck traffic by 50 percent or more. So,
7 having trucks drive less is 18 million miles taken
8 off the road every year. There is a 50 percent
9 reduction in truck traffic and similar reduction in
10 greenhouse gas emissions and particulate matter
11 associated with truck operations. In terms of
12 recycling, that is a great benefit of this plan that
13 we have not really spent much time on yet. So, thank
14 you for asking the question. What we are seeking to
15 do is get companies that are committed to furthering
16 our zero waste goals. We will to that first and the
17 RFPs for the zones. Every carters going to have to
18 submit their zero waste plan. And that's the
19 criteria that we will use to select companies that
20 are willing to make investments and are willing to
21 demonstrate they can handle materials properly.
22 There are actually going to send their recyclables to
23 the correct place. They are making investments and
24 composting and organics processing or they are
25 partnering with people who can do that. Furthermore,

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2 everyone that gets a contract is going to have to
3 offer these services. A lot of why we don't have
4 really robust recycling participation now across the
5 board is companies don't have to offer it.

6 Businesses have to get a carter. They are required
7 to recycle, but it's kind of a loophole that just has
8 blame being passed between the carter and customer.

9 This will say, if you are a zoned carter, you have to
10 give the service for everything that that customer is
11 required to do. So, you will get a recycling truck.

12 If you are required to separate your organics, you
13 will get an organics truck and we will incentivize
14 voluntary organics above and beyond minimum
15 requirements. Furthermore, we will have those
16 services offered at a discount, so customers will be
17 incentivized in their bills to separate their
18 materials properly and they will have a lower bill
19 because of it. Similar to--

20 COUNCILMEMBER CONSTANTINIDES:

21 [interposing] Let me just quickly jump in because
22 I'm almost out of time here.

23 JUSTIN BLAND: Okay.

24 COUNCILMEMBER CONSTANTINIDES: So, I'm
25 also going to show what is our plan on the long term

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2 relating to trucks? What environmental standards are
3 we going to be holding the actual trucks to in the
4 long term that we feel as we-- as new technology
5 moves forward as we are able to reduce submissions
6 from the trucks themselves, going above and beyond
7 where we are now, how are we going to be able to
8 continue to move the industry to a, you know,
9 completely, you know, missions free over time?

10 JUSTIN BLAND: That's another area
11 where we can use the RFP process to incentivize
12 commitments above and beyond the minimum
13 requirements. The minimum requirements being local
14 law 145, which is coming into place, so at a minimum,
15 to be considered, you have to be in full compliance
16 with that omission's law, but we want above and
17 beyond. So we want commitments for making
18 investments and natural gas or electric trucks.
19 Those are the kinds of things that we want to see in
20 you will have a better chance of winning the contract
21 if you can make those commitments.

22 COUNCILMEMBER CONSTANTINIDES: I look
23 forward to working with you to ensure that happens
24 and working with our Chair and ensuring-- I'm a
25 supporter of this bill because of the environmental

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2 concerns. Because I know it's going to make our
3 streets safer. Because we're going to make our
4 workers safer and give them a better future. So,
5 with that, I think the Chair for his indulgence on me
6 going over time.

7 CHAIRPERSON REYNOSO: Thank you, Council
8 member Constantinides. We've been joined by Council
9 member Cornegy and I want to go ahead and-- Council
10 member Gjonaj for questions.

11 COUNCIL MEMBER GJONAJ: Thank you,
12 Chairman. I am the Chair of small business and, with
13 that comes a great responsibility to ensure that our
14 small businesses continue to operate in an
15 environment which will allow them to survive and
16 thrive. Competition, open markets is the only way I
17 know to assure increase in quality of service and a
18 decrease in prices for the products and services that
19 they purchase. My concerns are if we limit zoning to
20 one or three vendors, there is no assurance that we
21 will have price-fixing or go back to the bad old days
22 of Louis walking into your place of establishment
23 with a cigar and giving you an ultimatum. That's the
24 reason BIC was formed. To fight corruption. To
25 fight price-fixing. To weed out any illegal or

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2 unlawful element in the industry. This will take us
3 back 23 years ago.

4 [applause]

5 COUNCIL MEMBER GJONAJ: I want to see the
6 same arguments being made to our independent
7 operators of taxis that say there are too many of you
8 out there. We're going to determine who survives and
9 who doesn't. I want to see these same arguments hold
10 water with a nail salon that says you have too many
11 nail salons in New York City or food establishments.
12 New Yorkers have enjoyed the freedom and privileges
13 of choice. That's who we are. That guarantees our
14 freedom and sets us apart from the rest of the world.
15 The arguments made of environmental concerning
16 impact, explain to me where these operators are
17 coming from. Where are their trucks to parting their
18 station? Where is their transfer station where they
19 are going to be dumping their products and going back
20 to service the corridors? The same amount of traffic
21 because it could be a Queens operator that will have
22 a Bronx zone will have to cross that bridge to get
23 the their customers to go back to their transfer
24 station to come back again. So that will be an
25 increase in traffic. And I don't underestimate the

2 innovation and creativity of our small businesses.
3 Operators know how to cut corners. They're not going
4 to put out a truck to go pick up a single customer
5 miles away. It wouldn't make sense for them, nor
6 would it make sense from an economic of fuel or labor
7 costs or wear and tear on their trucks. If we
8 implement this in our current form with limited
9 options, we've undermined every commercial corridor
10 and operator out there. We've put another burden on
11 them and this is government again saying we know
12 what's best for you while we chisel away at the
13 bottom line of every mom-and-pop shop out there.
14 Last night at 9:30 I was summoned to Morris Park
15 Avenue by restaurant owner who just received a 500
16 dollar increase in the fees that they are paying
17 their carter. That is a 200 percent increase from
18 what they were paying previously. These hearings are
19 important because we get to understand all sides and
20 hopefully that will help us making a much better
21 decision. So I'm relying on you, Chair, and my
22 colleagues to do right. But if you can answer those
23 questions about what assurances this is going to have
24 on the environment based on limited supply, what
25 assurances are we going to have that prices and

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2 services-- prices will go through the roof and the
3 decrease in service? Would like to hear from all of
4 you. Thank you.

5 [Applause]

6 CHAIRPERSON REYNOSO: Hey. And just so--
7 for the clapping, if you do this, visually, we will
8 see that you are supportive when you do this and it
9 won't disrupt the hearing. So, let's not clap. If
10 you have something that you want-- that you
11 appreciate, waive your hands. If you don't
12 appreciate, just don't waive your hands. Thank you.

13 DEPUTY COMMISSIONER BORLAND: So, there
14 were many parts to your question and statement there.
15 To begin with, limited and exhaustive environmental
16 analysis to determine the environmental savings. We
17 got the actual routes from the carters and we then
18 modeled what the system would look like under a zone
19 system. We even took into account the exact time
20 that the customers get picked up. So, if a customer
21 gets picked up at 11 PM, we assume the customer would
22 be picked up at the same time. In using this
23 analysis, we found that there would be 50 percent
24 savings in vehicle miles traveled. 18 million miles
25 total.

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2 CHAIRPERSON REYNOSO: Can you go to the--
3 Can you go to the example of what we do now versus
4 what exactly-- thank you. That's important. He
5 also had a question about the environmental impacts.

6 COUNCIL MEMBER GJONAJ: That's the
7 environmental impacts. So are you saying that a
8 Bronx carter operating in the Bronx will have to be
9 from the borough of the Bronx with a transfer station
10 from the borough of the Bronx? Is that what you're
11 saying?

12 DEPUTY COMMISSIONER BORLAND: So, what
13 we're saying is that any carter can compete for any
14 zone. We will look at the transfer station that the
15 carters tipping it. I mean, you stated that a Bronx
16 transfer-- a Bronx carter might tip in the Bronx,
17 but we will give weight to the proximity of pickup.
18 So, if a carters picking up in the Bronx, we would
19 like to see disposal in the Bronx. If a carters P up
20 in Queens, we would like to see disposal in Queens.
21 So, that will be weighted. So we do not expect it
22 all to have the-- And, in fact, it will eliminate
23 the issue that you were addre-- you just mentioned.
24 And then, on pricing, you stated that someone in your
25 district, I assume, got a 500 dollar bill higher.

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2 This plan will eliminate that possibility. There
3 will be a maximum price set and they will be
4 obligated by contract not to charge more than that
5 and the customer will have the ability to negotiate
6 lower pricing. So, you would not be able to, all of
7 a sudden, increase pricing by 500 dollars. That
8 would be prohibited. And, here the Department of
9 sanitation will be monitoring these contracts. We
10 will have outreach staff. We will require the
11 carters to educate their customers so that they are
12 aware of right. And my impression is now that a lot
13 of small businesses are not aware of their rights and
14 are not able to negotiate with carters. That would
15 change under the zoned system.

16 COUNCIL MEMBER GJONAJ: That's not true.
17 I'm a small business owner. I negotiated with my
18 carter. I negotiate on price and service and it
19 sounds to me that government knows best again
20 approach doesn't work here. I'm going to ask a
21 question on the record and I hope that the chairman
22 please-- I'm so sorry.

23 CHAIRPERSON REYNOSO: [interposing]
24 We're going to allow you--

25

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2 COUNCIL MEMBER GJONAJ: And after this I'm
3 done.

4 CHAIRPERSON REYNOSO: asked the question,
5 but after that, got to cut you off.

6 COUNCIL MEMBER GJONAJ: Have you already
7 determined the winners without the RFP going out?
8 Because this all sounds like you set up an
9 environment to determine who is going to be selected
10 and which companies are going to prevail and which
11 companies are we going to destroy?

12 JUSTIN BLAND: Absolutely not. The
13 whole point of this is to create a competitive
14 process that furthers goals for the customers that
15 allows competition and price assurances, favors low
16 pricing in transparent pricing, but also works for
17 public safety, for workers safety, and for the
18 environment. So, we have not determined who the
19 companies are. One of the driving forces behind our
20 nonexclusive system is that it's fair for the carters
21 that exist today. If you can be the most competitive
22 carter, you are going to get a contract. If you can
23 offer the best service at the best price with the
24 least environmental footprint, you are going to get a
25 contract. And--

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3 COUNCIL MEMBER GJONAJ: Thank you.

4 [inaudible 01:13:43]

5 JUSTIN BLAND: you mentioned the
6 Bronx--

7 CHAIRPERSON REYNOSO: What is this-- the
8 map of what we're seeing here?

9 JUSTIN BLAND: We know the
10 environmental benefits and this is a map of everyone
11 going Bronx community District to picking up one stop
12 and how long their routes are going through it. We
13 know this is the case because the carters gave us
14 this information. They gave us their routes. When
15 we did the first analysis, they said, oh, we gave you
16 the wrong data. So we asked for it again. Then it
17 was the exact same thing. We know that this is the
18 case. They've reported it time and time again and
19 it's not their fault. That's because there are 90
20 companies operating on top of each other. To fill a
21 truck, you have to run all throughout the city. The
22 the-- it's impossible to have efficiencies now and
23 we are allowing that while still allowing for
24 customer choice and price assurances.

25 CHAIRPERSON REYNOSO: So, I wanted to
follow up because a lot of these folks believe that

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3 the market provides the most efficiencies. And we
4 talked about how the market is the one that is
5 driving like a race to the bottom. But environmental
6 impacts on truck traffic, and this one it shows
7 through this community board runs-- all these trucks
8 run through it and they are picking up from
9 Westchester and, what I think is Sunset Park-- the
10 end of Sunset Park or Bay Ridge-- and that all these
11 trucks are moving through all these communities and
12 they are all coming out of that one model-- you
13 painted the-- the black, which is probably a black
14 and brown community, I'm pretty sure. But you have
15 pointed there all those trucks and all those routes
16 run through there that people think that this is
17 efficient and that the system works is beyond me.
18 But I appreciate your answers to question. We want
19 to call on Council member Cornegy and he's going to
20 be followed by Council member Deutsch.

21 COUNCIL MEMBER CORNEGY: Thank you,

22 Chair.

23 CHAIRPERSON REYNOSO: And Council member

24 Vallone is back and they wanted to ask questions. So
25 going to be Cornegy, Council member Vallone, and then
Council member Deutsch.

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3 COUNCILMEMBER CORNEGY: So, I have more of
4 a statement than a question. As the former Chair of
5 the committee on small business, I'm acutely aware
6 that the Council, in its zest and zeal, has begun to
7 shrink several industries. I believe that the
8 inability to allow business or the market to regulate
9 business is a fundamental overreach and government's
10 perspective. From my perspective that government is
11 doing. I believe that all of the things that you are
12 mentioning can be obtained, and even in terms of
13 decreasing the environmental impact, by not, you
14 know-- you don't have to shrink the industry in
15 order to do that. There's ways to do this. I have a
16 bill 996 that seeks to do the exact same thing, that
17 doesn't shrink the industry or, at least, allows
18 businesses to negotiate their contracts, creates a
19 business and environment conducive to growth and
20 development in business, but still has an
21 environmental-- you know, regulates the
22 environmental impact by giving BIC the ability to do
23 its job for what it was formulated to do. I don't
24 understand when we look at other places like
25 California, for example, which I actually had to
offer an apology based on the escalated amounts of

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2 fines and fees that went into business. I don't
3 understand why we would go down a pathway that is
4 already proven to be counterproductive to business.

5 DEPUTY COMMISSIONER BORLAND: Well,
6 that's one of the reasons why we favor the
7 nonexclusive system. Customers love choice. You did
8 an analysis that carting costs will be 14 million
9 dollars lower under a zoned system. We-- You know,
10 this is based on actual data that we received from
11 the carters. We took into account the fact that
12 routes would be much more efficient and even adding
13 on to the fact that there will be additional
14 recycling collection, organics collection, they will
15 have to have a customer service hotline. The carting
16 costs will still be 14 million dollars less. So we
17 don't have any expectation that pricing will be
18 higher and, by having competition, at least three
19 carters in each zone, we fully expect that pricing
20 will be equally competitive as it is now and you will
21 get much better service. And if there's a problem,
22 you can contact the city who can directly address the
23 issue if you are not getting it done with a carter.

24 COUNCIL MEMBER CORNEGY: What's the
25 difference between the zoned carting plan in

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3 California and what your analysis is? Is there a
4 stark difference?

5 JUSTIN BLAND: With DSNY's plan, yes.
6 The Los Angeles system that you referring to allows
7 one carter in each zone. Our plan allows three to
8 five carters per zone. I was largely driven through
9 two years of engagement that we did with the business
10 community, as well as considering impacts to the
11 broader carting community and to the city's
12 management. So, there are a lot of different system.
13 It's not just LA that does policies like this. We
14 looked at what's been done across the board and what
15 are the unique circumstances for New York to develop
16 a New York specific plan.

17 COUNCILMEMBER CORNEGY: So, are you
18 offering a guarantee to businesses that, if there is
19 an increase, but there will be subsidies? That there
20 will be-- because I can imagine that if you go from
21 the ability to negotiate contracts with any carter
22 that you'd like to, to three-- to one to three, that
23 there wouldn't be an increase. You're going to set
24 the price ceiling, correct?

25 JUSTIN BLAND: There will be a rate cap
and that will be the maximum rate that the corridor

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2 offers to charge will be a driving factor in whether
3 or not they get a contract. So they will get points
4 for their commitment for offering the lowest price.
5 Beyond that, they will still have to shop around for
6 market share. So, creditors are going to have to be
7 competing twice on pricing and customer service as
8 they want to survive and that will lead to low prices
9 and good customer service.

10 COUNCIL MEMBER CORNEGY: So, do you not
11 agree that competition is the drive for a business
12 and a consumer-- customers benefit from the ability
13 to pit different companies against agenda?

14 JUSTIN BLAND: So, our planning
15 knowledge is that and it acknowledges that customer
16 choice can lead to good customer service and good
17 pricing, but our plan also acknowledges that the
18 current system, with 90 carters operating citywide
19 limits to inefficiencies that hurt the environment,
20 public safety, and make it impossible to operate a
21 carting company efficiently.

22 COUNCIL MEMBER CORNEGY: So what--

23 CHRISTINE BILLY: And I just--

24 COUNCIL MEMBER CORNEGY: What about
25 workers and shrinking the industry will actually make

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2 jobs? And some of those jobs are for second chance

3 workers. People who of found an opportunity to,

4 after having trying circumstances and challenging

5 circumstances, have found good gainful employment in

6 this industry and you are-- if you go from 90 to

7 three, you can't tell me that the industry won't

8 shrink and that jobs will not be dissolved.

9 CHRISTINE BILLY: So--

10 CHAIRPERSON REYNOSO: So, I'm gonna

11 (sic)-- and after you answer this question, I'm just

12 going to have to limit your questioning--

13 COUNCIL MEMBER CORNEGY: Okay.

14 CHAIRPERSON REYNOSO: Council member.

15 CHRISTINE BILLY: So, thank you for that

16 question. Sanitation studied the socioeconomic

17 impacts of a commercial waste zone plan on the

18 industry and one of the things we looked at was the

19 impact on jobs. And the numbers that we found is

20 quite good. The vast majority of workers will still

21 have jobs there will be minimal job losses.

22 Additionally, because of investments and recycling

23 and what we anticipate to be increased recycling and

24 diversion rates, we project additional job growth at

25 recycling facilities in the city. That said, this is

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3 an issue that the administration takes very seriously
4 and sanitation will be proactive in addressing the
5 situation of workers find themselves potentially in
6 this position. We will maintain-- we will actively
7 maintain a displaced workers list that allows workers
8 to connect with jobs in the industry. We will also
9 put obligations on carters to take action in this
10 area. We anticipate writers Amy agreements with the
11 carters that selected-- that gets selected to utilize
12 programs to promote local hiring such as Hire NYC.

13 COUNCIL MEMBER CORNEGY: I just want to
14 thank the chair for indulging me. If there is a
15 second round, I have more questions.

16 CHAIRPERSON REYNOSO: Yeah. And I did
17 want to just make a point that government has gotten
18 involved in the business environment in the past. It
19 did it Wall Street got out of hand. It is an eight
20 hour workday. It added a minimum-wage. There's
21 places where government and should involve itself
22 when it thought that businesses were acting a
23 graciously and that's what I think we are intending
24 to do here. While I agree that a market that is open
25 is something that we want to promote when it's
working. In this case, you know, we don't want any

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more vigils for the Mouctar Diallos of the world.

3 And my bad thought we are trying to reform here. And

4 I just want to make sure that I note that. Council

5 member Chaim Deutsch. And there will be a second

6 round, by the way. Oh, I'm sorry. Council member

7 Vallone and then Council member Deutsch. Council

8 member Vallone.

9 COUNCIL MEMBER VALLONE: Thank you,

10 Chair. There's a lot going on and there's a lot of

11 questions from the Council members and you see

12 there's--

13 CHAIRPERSON REYNOSO: Is your mic on,

14 Council member?

15 COUNCIL MEMBER VALLONE: It's on.

16 CHAIRPERSON REYNOSO: All right. Sorry.

17 COUNCIL MEMBER VALLONE: After our

18 fireworks event last night and having a good time, we

19 are trying to get through today. The concerns have

20 not gone away. The benefits are clear. We are

21 trying to do environmental. We are trying to

22 minimize impact to communities. Mine, which is

23 always forgotten in this conversation which gets my

24 district very upset with ways transfer stations and

25 continuous commercial truck traffic through

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2 residential neighborhoods is a pillage on any
3 neighborhood. Not just the ones that we tend to
4 focus on. So minimizing that impact to the
5 communities is a positive in the conversation.
6 Upgrading the industry is a positive in the
7 conversation. Safety standards across the board is a
8 positive. Newer tracks and better environmental
9 footprints, always a positive. The other side a gets
10 lost against the positive would choose the hard-
11 working local companies that have been doing this
12 whether they are family-owned or generational owned.
13 The businesses themselves, I have a very diverse
14 district from Korean, Chinese, Italian, Greek. You
15 name it. They are there. The language barriers, as
16 they are going to be dependent on negotiating a
17 contract from 1 to 3 corridors without language
18 interpretation translation and your exact testimony
19 was you are expecting corridors to explain that to
20 them, that's not going to happen. I want to hear
21 how-- what was the determination of what small
22 businesses are being charged now versus what you feel
23 will be charged after this.

24 JUSTIN BLAND: So we looked at
25 operating costs to the industry as a whole rather

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2 than predicting how the bidding process and then
3 customer negotiation within the zone would have been.
4 We can't predict that. But we know that operating
5 costs to the industry will decrease. So, there is no
6 reason that this plan will make carters charge more
7 to make their bottom line.

8 COUNCIL MEMBER VALLONE: Well, you just
9 said two things. One, you can't determine the first
10 part of it. And, too, because the operating costs
11 are going to go down, that there should be savings.
12 That's not any guarantees for those who are making
13 the contracts of there is no way to determine, one,
14 and, two, because you think there's going to be
15 savings you think they are going to be passed on to
16 the businesses. I--

17 JUSTIN BLAND: So, the--

18 COUNCIL MEMBER VALLONE: living in New
19 York and--

20 JUSTIN BLAND: The way that we
21 encourage it to be passed on as we use-- we make
22 these RFPs and the zones very competitive. We have
23 pricing, low pricing, of the highest criteria in
24 scoring. So, if you want a contract, you have to
25 offer a low maximum price. That is a contractual

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2 guarantee that you will not charge a single customer,
3 even the most difficult customer in a zone, from a
4 carters perspective, beyond this rate. Beyond that
5 if they--

6 COUNCIL MEMBER VALLONE: [interposing]

7 And once you make that determination of what that
8 contract is going to be, how can we determine from
9 what that current contract is today versus what that
10 new contract is going to be? The difference in that
11 gap. Is there a limitation as to what that will be?
12 Not the cap on the max, but if I'm paying 100 dollars
13 today and under the new system I'm going to pay 250
14 dollars tomorrow and that's okay because it's under
15 the cap, you're going to wipe out small business. I
16 don't have the conversation of small business do not
17 and overhead to pay another dollar. Period. They
18 don't.

19 JUSTIN BLAND: So, as we've discussed
20 earlier in this testimony, small businesses often pay
21 a higher rate than larger businesses. They are the
22 ones that don't have the transparency. Our program,
23 beyond having competitive pricing in the bidding and
24 having-- shopping around to get market share, DSNY
25 is committed to a broad outreach and encouraging

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3 during the transition, customers to shop around and
4 get a competitive price. Then we're going to have--

5 COUNCIL MEMBER VALLONE: [interposing]

6 On that last note, you're encouraging to shop around

7 while limiting choices from one to three. So, there

8 is still numerous concerns. You can be frustrated

9 all you want. We are more frustrated. You're

10 talking about impacting the entire city and

11 communities like mine that are just pillaged with

12 trucks coming through it and it's the number one call

13 on the quality of life impact and I don't hear how

14 that's going to be solved and I also don't hear how

15 my small business are going to be protected and how

16 we're going to bring those companies that want to

17 achieve this now that are set by a standard that is

18 done well by the middle and the larger companies that

19 want to make that new change to get to the RFP on

20 what we're going to do to help those-- not the ones

21 that BIC has got concerns with. We agree. We need

22 to make those changes. The ones that are going to

23 try to get to the next level to meet these RFP or

24 garments, what we are going to do to get them there.

25 Bring them to the safety standards. Bring them to a

new job workforce place that's safe, that can follow

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3 the leader of some of the latter already here. Thank
4 you, Mr. Chair.

5 CHAIRPERSON REYNOSO: So, sorry. I
6 wanted to clarify. I wanted to-- you saying-- So,
7 can we get back to the one were all the 25 carters on
8 six blocks map because--

9 DEPUTY COMMISSIONER BORLAND: And can
10 we respond to his last--

11 CHAIRPERSON REYNOSO: Yeah. Because
12 Council member Vallone's district is one of those
13 districts that are--

14 DEPUTY COMMISSIONER BORLAND: So--

15 CHAIRPERSON REYNOSO: impacted by truck
16 traffic. And can you explain how that reduction-- I
17 think-- is that what you are asking? Like how are
18 we guaranteeing that reduction? And, Council member
19 Vallone, this is five different snapshot of maps of
20 the amount of carters that run through six blocks in
21 one district, I think it's like eight blocks in
22 another. And it just shows the amount of carters--
23 the trucks that go through those-- not the trucks.
24 The carding companies that go through those areas.

25 COUNCIL MEMBER VALLONE: So, we have--

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2 CHAIRPERSON REYNOSO: We have 11
3 customers. On 24th Street in Brooklyn have nine
4 different carters.

5 COUNCIL MEMBER VALLONE: So, Mr. Chair,
6 we have a unique situation in college point. So, we
7 have the waste transfer stations and the loading
8 zones. So you have the traffic coming through there
9 to make the drop-offs and we are still determining
10 whether the new routes are now going to increase the
11 capacity at those waste transfer stations or how
12 those routes are going to be determined. So are so
13 concerned about that.

14 CHAIRPERSON REYNOSO: So, here's
15 concerns--

16 JUSTIN BLAND: I want to make it clear
17 that a hallmark of our plan is truck traffic
18 reduction. And this is citywide. Every neighborhood
19 in every borough of the city will see a reduction in
20 truck traffic. This is not one neighborhood
21 benefiting at the expense of the other. Your
22 neighborhood, your district, will see a reduction in
23 truck traffic.

24 CHAIRPERSON REYNOSO: But I think what
25 he's talking about is he has waste transfer stations.

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2 JUSTIN BLAND: And in--

3 CHAIRPERSON REYNOSO: But what--

4 JUSTIN BLAND: our EAS, we looked at
5 three case studies. One of those case studies was
6 college point and it had the transfer station in
7 there. It sees a reduction in truck traffic.

8 CHAIRPERSON REYNOSO: And can you give
9 that to Council member Vallone after the hearing?

10 JUSTIN BLAND: Yeah. Not offhand, but
11 yes. I can follow up with that.

12 COUNCIL MEMBER VALLONE: Thank you, Mr.
13 Chair.

14 CHAIRPERSON REYNOSO: Council member
15 Chaim Deutsch.

16 DEPUTY COMMISSIONER BORLAND: And just
17 on that--

18 CHAIRPERSON REYNOSO: Oh, I'm sorry. Go
19 ahead.

20 DEPUTY COMMISSIONER BORLAND: our EAS
21 showed that the vehicle miles traveled reduction in
22 college point would actually be 60 percent, so it's
23 slightly higher than the city average. And also,
24 you-- I just wanted to emphasize the safety. You
25 mentioned safety and not something that we take very

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3 seriously. That's one of the main goals of this
4 bill. We know there are unsafe practices now. This
5 bill would help ensure the safety of the drivers and
6 the public. There would be 18 million miles saved,
7 so you would have fewer crashes. We will be able to
8 enforce, through contractual remedies, labor issues
9 or wage issues. And so, you-- we can't--

9 COUNCIL MEMBER VALLONE: But we can
10 raise the safety standards are about creating zones.
11 So, I mean, they are two different things. We can
12 always raise the standards of any industry, but we
13 don't need to change--

14 DEPUTY COMMISSIONER BORLAND:

15 [interposing] Well, here we are going to have a
16 direct contract with the carters, so we won't be able
17 to manage that very directly and better able to
18 assess that.

19 CHRISTINE BILLY: We also-- During our
20 very extensive public outreach program, heard
21 directly from workers and their representatives who
22 came to our hearings and our events to speak up and
23 shed some light on what's going on now currently in
24 the industry. Then what we learned-- and if you go
25 back to one of the-- a typical route, what that

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2 means from a worker standpoint is a worker might be
3 expected to be on a route that traverses 100 miles
4 through multiple boroughs on a 14 hour shift. What
5 we heard in our public engagement process and what we
6 learned from studying the industry is that companies
7 are cutting corners at the expense of workers. And
8 so, by making the system more efficient and having
9 shorter, more efficient routes--

10 COUNCIL MEMBER VALLONE: That-- and
11 that's how I started my testimony.

12 CHRISTINE BILLY: For unsafe driving--

13 COUNCIL MEMBER VALLONE: We didn't--
14 no one is questioning that that needs to be better
15 and those stand-- we're all on board with that. No
16 one is questioning any of that. It's the other side
17 of that impact that the Chair is trying to flush out
18 and the safety standards and the proper future of the
19 condition of the trucks, the workers' rights, getting
20 companies to follow the lead of proper organizations
21 and companies that have been doing it already to give
22 out of footprint. They are all laudable and we think
23 the Chair for having the conversation to get that
24 done finally. The other part of the conversation
25 that you are hearing the council members. The impact

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2 on the small businesses, and the neighborhoods, free
3 market, and government place and all that is still
4 what we question.

5 CHAIRPERSON REYNOSO: And then, so--
6 Because we are going to move on to Council member
7 Deutsch. I just want to say this is the first time
8 I've heard that there should be-- this could-- we
9 should actually be saving money. The carters should
10 be saving money through this process. So, this is
11 the first time I am hearing that. I've never made a
12 commitment to Council members or to anyone in the
13 public in stating that this would save money. I
14 actually think that there is a price to pay for the
15 environment and I'm okay with that. We did that with
16 the buildings fell where we just said 25 percent of
17 the worst actors in the city of New York are going to
18 get find if they don't bring their buildings to a
19 smaller carbon footprint, so I understand the value
20 in making sure that we are taking care of our
21 environment. But you're saying that the operating
22 costs should decrease. And I wanted to ask very
23 intently, would you accept an RFP that doesn't speak
24 to your understanding about those rejections? That
25 you wholeheartedly believe and have data and

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3 information that says your operating costs should
4 decrease. Why would you come in with an RFP that is
5 more expensive than the work that is currently being
6 done? Can we-- Can you speak to that?

7 DEPUTY COMMISSIONER BORLAND: Yes. Well,
8 under the RFP process, pricing will be the largest
9 factor that's considered in determining which
10 contractor, which carters, get the zone. So, if a
11 carder comes in with an extremely high price, it is
12 highly, highly unlikely that that carter would be
13 selected to perform work in any specific zone. There
14 are other factors involved, but we understand pricing
15 is critical. That's why we did the socioeconomic
16 analysis to evaluate what the overall carding costs
17 would be after the zone programs included and we are
18 very understanding that small businesses don't want
19 to see huge increases in prices, even if the program
20 is safe for an it's better for everybody in New York
21 City. So, pricing will be the largest factor that is
22 considered and--

23 CHAIRPERSON REYNOSO: Well, this is big
24 for me because I'm the one pushing this and I care
25 about this intently to pitch this to other Council

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2 members. Operating costs by the carters should
3 decrease.

4 DEPUTY COMMISSIONER BORLAND: That's
5 correct. And that's in the draft environmental
6 impact statement, as well.

7 CHAIRPERSON REYNOSO: So the
8 environmental impact statement says that operating
9 costs should decrease.

10 DEPUTY COMMISSIONER BORLAND: That's
11 correct.

12 CHAIRPERSON REYNOSO: Can I safely then
13 make a statement and say that because of that
14 operating cost decreasing, that prices should, for
15 the most part, stay the same or decrease.

16 DEPUTY COMMISSIONER BORLAND: [inaudible
17 01:34:39]

18 CHAIRPERSON REYNOSO: I would give you
19 time to answer that because that would be a-- that
20 would be something that the businesses here would
21 really appreciate it.

22 JUSTIN BLAND: So, doing the RFP
23 process right, that's what the syndicate team.
24 There's going to be some instances where you have
25 carters cutting corners currently. And we talked

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2 about Sanitation Salvage and what we saw from their
3 pricing. If you have a low bill and it's because
4 carters are doing any recycling more because they are
5 not paying their workers properly, we can't guarantee
6 that your bills won't grow up. So, if you are not a
7 good actor now and that's how you can offer a low
8 pricing, the customers might have increased price.
9 But, you know, that happened when Sanitation Salvage
10 had their license denied. I am hearing that might be
11 happening with Flag currently. So, it's-- that's
12 why we can't guarantee it, but if we do everything
13 properly with the RFP process, there is no reason
14 prices should go up across the board. We are holding
15 them to competitive prices and they should be able to
16 be at current prices are lower.

17 CHAIRPERSON REYNOSO: All right. So,
18 this is important, especially for, Council member
19 Cornegy and Council member Gjonaj who are really
20 deeply are concerned about the businesses--
21 increasing costs of businesses. So, you are saying
22 outside of the Sanitation Salvages of the world who
23 did everything possible like cut every corner, paying
24 80 dollars for 14 hours of work for their helpers,
25 had the oldest trucks, were not even paying minimum

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2 wage to a lot of these folks. Issues with safety and
3 across the board. Those guys are charging the least
4 amount because they did-- they cut every corner that
5 was imaginable. We don't want those people doing
6 business in the city, but if operating costs for
7 carters across the board should be reduced, you are
8 not expecting a significant increase or an increase
9 at all, on average, across the board in the city of
10 New York. I would be-- that's one of the strongest
11 talking points that exist in the city Council right
12 now. It's we want to limit the cost of businesses
13 and what you are saying, for the first time I'm
14 hearing, even though it's been in the report, is that
15 there is a reduction in operating costs for carters.
16 Okay. So I just wanted to make that statement.
17 Thank you very much for that. It's just another--
18 another bullet in the bill, I guess is what you want
19 to call it for when I have to advocate for this.
20 Council member Chaim Deutsch?

21 COUNCIL MEMBER DEUTSCH: Yeah. Thank
22 you, Chair.

23 CHAIRPERSON REYNOSO: Sorry for making a
24 reference using guns. I shouldn't have done that, so
25 I apologize.

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2 COUNCIL MEMBER DEUTSCH: Thank you,
3 Chair. I just want to mention that I am an extremely
4 strong supporter of sanitation and the work that the
5 men and women of the sanitation department do, but I
6 have many concerns with this bill and I cannot
7 possibly get it into three minutes. I did speak to
8 the Chair and I met yesterday with one of my business
9 improvement districts in my district and I surely
10 hope that we are going to have a lot more
11 conversations about this before this bill goes into
12 effect because, otherwise, you're going to hear
13 members speak out about this. Now, how confident are
14 you that, if this bill should pass, that this plan
15 would work?

16 JUSTIN BLAND: So, I want to make a
17 distinction between our plan and this bill. They are
18 not the exact same thing, but talking-- we're just
19 going to talk about our plan. We are confident that
20 our plan will work. This has been four years of
21 planning. It is being years of stakeholder
22 engagement, hundreds of meetings with hundreds of
23 stakeholders, including opponents, supporters.
24 People were doing-- People that think we're doing
25 too much. People that think we are not doing enough.

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2 Customers of all types. Property owners down to
3 small businesses and business improvement districts.
4 So, we have heard those concerns and we've created a
5 plan that will get all of the benefits we want to see
6 to the public while working for carters and working
7 for customers.

8 COUNCIL MEMBER DEUTSCH: Okay. You did
9 mention that there is going to be job loss and so,
10 what to do you plan in regards to the job loss and
11 what is your plan in response to small business
12 owners, not only employees, but those small business
13 owners that work very hard or had a business for the
14 last 20, 30, 40, or 50 years and you may put them out
15 of business?

16 JUSTIN BLAND: So, on the last point,
17 we have created a plan that does not bias the
18 selection process for small local companies. If you
19 are a good small, local company, in our plan you have
20 just as much chance of getting a zone if you put a
21 competitive bid forward, then a multinational
22 company. So, this is a fair playing field for local
23 industry. You have to-- You have to commit to high
24 standards. That's what we want.

25

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2 COUNCIL MEMBER DEUTSCH: So, if you
3 have 100 private carding companies now and, let's say
4 many of them-- Let's say you get more than have that
5 commit to high standards and go with the bids than
6 they put in their competitive price and everything
7 looks okay, are they guaranteed to get one of those
8 zones?

9 JUSTIN BLAND: So we will be releasing
10 me RFP and that will say it publicly and for everyone
11 that wants to submit a proposal, this is how we are
12 going to score-- this is the process to determine
13 who is best fit--

14 COUNCIL MEMBER DEUTSCH: [interposing]
15 So, whoever's not--

16 JUSTIN BLAND: So it's--

17 COUNCIL MEMBER DEUTSCH: So whoever
18 reaches that standard--

19 JUSTIN BLAND: It's--

20 COUNCIL MEMBER DEUTSCH: who is just
21 fit--

22 JUSTIN BLAND: hitting the standards
23 and committing to a good service and good pricing.
24 That's who will win the zone.

25

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2 COUNCIL MEMBER DEUTSCH: So, if you
3 have 400 of those private carding companies that--

4 JUSTIN BLAND: Just a quick correction.

5 COUNCIL MEMBER DEUTSCH: meet those
6 standards--

7 JUSTIN BLAND: It's 90 companies that
8 exist now.

9 COUNCIL MEMBER DEUTSCH: Okay. So, if
10 you have the majority of that that meet those
11 standards-- sorry. I said 800. I thought it was
12 80. If you have the majority of those companies that
13 meet that standard, is it possible that some of those
14 companies will not get their RFP?

15 JUSTIN BLAND: Yeah. Any company that
16 submits a proposal that's not as good as the top
17 three to five won't be winning a contract for that
18 zone. That does not necessarily mean they are out of
19 business. This is regulating one part of the waste
20 industry. There are many others streams like
21 construction demolition, other types of hauling, the
22 companies today doing the type of collections that we
23 are regulating currently also have business doing
24 those operations. That won't change. He has
25 allowances for subcontracting when it works for our

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2 program goals. So, if you are a subcontractor to
3 pick recycling and you are meeting the high standards
4 of the prime contract holder, that's okay. And that
5 is an opportunity. So, we've designed this plan to
6 give many opportunities to all companies that can
7 meet our high standards.

8 COUNCIL MEMBER DEUTSCH: Now, would
9 this be--

10 CHAIRPERSON REYNOSO: Thompson, I'm going
11 to ask for Council member Deutsch to ask one more
12 question and then he gets to answer that. Then
13 Council member Gjonaj is going to have one more
14 question. And you answer that. We have 13 panels.

15 COUNCIL MEMBER DEUTSCH: All right.

16 CHAIRPERSON REYNOSO: 13 panels and we're
17 supposed to finish by 1 o'clock. That is-- That is
18 as hard as doing a 1000 person-- 1000 company route.
19 It's impossible. So, we're going to ask the Council
20 members to wrap up and then we're going to over
21 through two minute testimonies and allow everyone to
22 speak. Your input and your statements are more
23 important than the back and forth, so we're going to
24 allow you to speak and keep it moving. All right?

25

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2 So, Council member Deutsch, your last question,
3 followed by Council member Gjonaj.

4 COUNCIL MEMBER DEUTSCH: So, if you
5 would-- sanitation should implement their plan, how
6 would you implement it throughout the city? The five
7 boroughs?

8 JUSTIN BLAND: So, after a law passed
9 enabling us to do this plan, we would put out an RFP
10 for all 20 zones.

11 COUNCIL MEMBER DEUTSCH: So, you would
12 do all 20 zones which would cover the entire city.

13 JUSTIN BLAND: That's right.

14 COUNCIL MEMBER DEUTSCH: When you
15 implement--

16 CHAIRPERSON REYNOSO: Thank you, Council
17 member Deutsch.

18 CHAIRPERSON REYNOSO: I asked you to do
19 one question--

20 CHAIRPERSON REYNOSO: Yeah. I
21 understand that, Chair, but--

22 CHAIRPERSON REYNOSO: We have limited--
23 We have limited time and when trying to give
24 everybody a lot of--

25

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2 COUNCIL MEMBER DEUTSCH: Let me just
3 finish my thought with this.

4 CHAIRPERSON REYNOSO: I'm going to ask
5 one more question-- I'm going to ask Gjonaj to go
6 and then you are going to have this second round and
7 you can ask one more question. So, Council member
8 Gjonaj first, and then I'm going to come back to you
9 to ask one more question, but we really have to limit
10 the time so to allow for everyone in this room to
11 speak. So, Council member Gjonaj.

12 COUNCIL MEMBER GJONAJ: Thank you, Chair.
13 I just want to reiterate the arguments that are made
14 on the reduction of operating costs and months apply
15 that to, let's say, the pharmaceutical business where
16 we have Walgreens, CVS, and Duane Reade that
17 controlled the majority of the pharmacies in this
18 city. Our prices of medications so continue to go up
19 and they control the market share. So, although
20 their operating costs have gone down, prices have
21 still gone up. But I want to get to the real issues
22 here. If we truly want to address the environmental
23 impact, we want to talk about worker safety, we want
24 to talk about proper employee compensation,
25 efficiency, servicing, and pricing to the small

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2 businesses, recycling compliance, and the best fit
3 scenario, why don't we get rid of the commercial
4 carding industry all together and let's give it to
5 the Department of sanitation?

6 [Applause]

7 SERGEANT-AT-ARMS: Quiet.

8 COUNCIL MEMBER GJONAJ: There'll be no
9 additional charges on our small businesses and,
10 according to the standard, we won't have an issue.
11 But there will be no appetite for that because nobody
12 wants that, right?

13 CHAIRPERSON REYNOSO: Council member
14 Gjonaj, can you please ask the question?

15 COUNCIL MEMBER GJONAJ: I'm making--

16 CHAIRPERSON REYNOSO: Ask the question.

17 COUNCIL MEMBER GJONAJ: I've got my minute,
18 right?

19 CHAIRPERSON REYNOSO: No. No.

20 [inaudible 01:44:04] a minute. I said one question.

21 COUNCIL MEMBER GJONAJ: Which leads me to
22 my point. This has all been set up to determine who
23 is going to be the carting industries that are going
24 to service New York City. Because, there was a true
25 appetite, we would be coming up with more creative

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2 ways to address all of those issues, but that is not
3 the issue. That is the fog that we've created and
4 making sure that we get rid of commercial carding
5 companies that have been operating for generations
6 and years and what government is going to put their
7 finger on this scale to determine who is going to
8 prevail and survive and let everyone else fall by the
9 wayside. That's the real issue and I'm glad I set it
10 on record.

11 CHAIRPERSON REYNOSO: Thank you. Thank
12 you, Council member Gjonaj.

13 [Applause]

14 CHAIRPERSON REYNOSO: Please, remember
15 the waives. So, Council member-- So, now leave been
16 joined by two Council members. We are supposed to
17 finish in an hour and we have 13 panels. I'm going
18 to keep saying not to encourage councilmembers to cut
19 it short, but we have Council member Deutsch,
20 followed by Council member Powers. Are you going to
21 ask question, Council member Powers? And-- All
22 right. And Council member Cohen.

23 COUNCIL MEMBER DEUTSCH: I'm going to
24 get to my last question--

25 CHAIRPERSON REYNOSO: Last question.

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2 COUNCIL MEMBER DEUTSCH: print out.

3 So, if you are going to go with the RFP for the
4 entire 20 zones, how would you determine if it
5 becomes-- if it turns out to be a disaster, how
6 would you go back? Like, when you-- when sanitation
7 came out with the organics collection, it was a pilot
8 program that started off on a smaller scale to see
9 how it works and then you expanded it throughout the
10 city. So, how would you put--

11 JUSTIN BLAND: We're going to put out
12 the RFP for all 20 zones out at the same time, but
13 that will lead to the industry bidding on all the
14 zones at the same time, but the actual rollout will
15 be phased in over, at least, two years starting with
16 smaller pockets of the city to make sure that we do
17 this slowly and thoughtfully and carefully so there
18 are not effects to the customers.

19 COUNCIL MEMBER DEUTSCH: Do you have
20 the plan of the rollout?

21 JUSTIN BLAND: No. Apart from what
22 I've said. It's going to be tiered. It's not all
23 going to be at it once and we're not going to rush
24 it. But we do not have a detailed plan yet.

25

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1 1 2

2 COUNCIL MEMBER DEUTSCH: When do you
3 expect--

4 JUSTIN BLAND: the RFP--

5 COUNCIL MEMBER DEUTSCH: When do you
6 expect to get the detailed plan?

7 JUSTIN BLAND: So, when we release the
8 RFP, the beginning of 2020 we should have a basic
9 rollout plan, fall.

10 COUNCIL MEMBER DEUTSCH: So, in other
11 words, you are going to wait for the RFP to be put
12 out in order to--

13 CHAIRPERSON REYNOSO: [interposing] All
14 right.

15 COUNCIL MEMBER DEUTSCH: and then
16 you're going to--

17 CHAIRPERSON REYNOSO: [interposing]
18 Council member Deutsch, I really appreciate it, but
19 you have questions and when I said one, you've asked
20 three. I gave a lot of courtesy. Thank you very
21 much. I want to allow for Council member Powers to
22 go followed by Council member Cohen followed by
23 Council member Brad Lander. For all these
24 councilmembers, we've been here for two hours and the
25 agencies are still speaking. We have 13 panels that

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2 I'm supposed to complete and an hour. Just saying.

3 I would appreciate brevity. Thank you. Council

4 member Powers.

5 COUNCIL MEMBER POWERS: Wow. How can you

6 follow that? I'll just forgo my questions. I am

7 here just because I want to reiterate my support. I

8 am Ground Zero, I believe, for-- I've Midtown

9 Manhattan and I am the place where I think, when you

10 talk about examples of how many private corridors are

11 on any single block at any single time, you're

12 normally talking about districts like mine which have

13 a tremendous amount of commercial activity. I

14 actually do think we can do this right where the

15 small businesses that are impacted, the restaurants

16 and the other small businesses in my district will

17 be-- will obviously have concerns around it. I

18 think we can take this bill today and make it so that

19 small businesses can live and survive and be able to

20 live under this regime and it would just clear up so

21 many more issues. So, I just wanted to reiterate my

22 support, but I will forgo asking you guys questions

23 on a respect for the time.

24 CHAIRPERSON REYNOSO: Thank you, Council

25 member. Council member Cohen.

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2 COUNCIL MEMBER COHEN: Thank you, hair. I
3 just-- I am sympathetic to the idea of the zones.
4 One thing, I guess, you know, some people who have
5 been or are more concerned have spoke to me about
6 is-- one of the reasons I am sympathetic is your
7 testimony, Commissioner, that you predicted there
8 would be a 50 percent reduction in the amount of
9 traffic miles on the trucks-- and like to be certain
10 of that. I'd wander, some point, you make available
11 the data, show us the mama that produce that result
12 so that we have confidence that we are going to get
13 the benefit of this legislation.

14 DEPUTY COMMISSIONER BORLAND:

15 Absolutely. We'd be happy to share the backup
16 data from our draft environmental impact statement to
17 show you how we arrived at the 50 percent savings of
18 vehicle miles traveled. And the DEIS, but we can
19 even give you additional data. We are happy to meet
20 with you, if you'd like to.

21 COUNCIL MEMBER COHEN: I'd appreciate
22 that. Thank you, Chair.

23 CHAIRPERSON REYNOSO: Thank you. 18
24 million mile reduction. Okay.

25

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2 DEPUTY COMMISSIONER BORLAND: That's
3 right.

4 CHAIRPERSON REYNOSO: Council member
5 Lander?

6 COUNCIL MEMBER LANDER: Thank you very
7 much, Mr. Chairman. Thank you for the leadership on
8 this issue. I'm proud to be a cosponsor of your bill
9 and I really want to thank you for the leadership
10 that you have provided. It's great to be here with
11 so many advocates who have been pushing hard for a
12 better system. I want to thank the administration
13 for the good study that use done here to help us move
14 forward on this critical issue. And I guess my
15 question gets to, in your report, you know, you
16 identified a lot of challenges. So, I support moving
17 to zones and, obviously, the VMT productions are
18 enormous. You also identified something that we
19 stood with a, you know, on the challenges for workers
20 and their safety, challenges for pedestrians and
21 their safety. Some of that, certainly pedestrian
22 safety, addressed by less trucks driving around. But
23 on issues of workers working conditions, quality-of-
24 life, wages, and on issues of broad sustainability
25 and waste reductions, you also identify a lot of

2 challenges in the commercial waste system and it
3 needs to get better. And I would like to understand,
4 you know, your theory of how this will do it. I
5 mean, obviously a concern about leaving competition
6 even with and zones is that the incentives of trying
7 to get the best possible price means you cut corners
8 on wages, means to cut corners on safety, means you
9 cut corners on recycling and sustainability. So,
10 part of how we're thinking about how to move forward
11 here is how we elevate standards. So, they're good
12 jobs, their safe jobs, and we get as much recycling,
13 waste reduction, and improvements in sustainability
14 as possible. And, to me, that's the piece of it that
15 we really have to figure out in the coming days. And
16 I would just like to understand better how you think
17 your proposal does it.

18 CHRISTINE BILLY: Thank you for that
19 question. I'm going to speak to the workers safety
20 and worker protection component and then I'm going to
21 defer to director Bland to talk about the
22 sustainability portion, but if I left anything out,
23 please let me know.

24 COUNCIL MEMBER LANDER: Okay.

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2 CHRISTINE BILLY: So, again, thank you for
3 the opportunity to be here. We are thrilled to voice
4 the administration support for this bill. There is
5 been a lot of work done by the people in this room
6 and today is a big day. We are also thankful for the
7 opportunity to talk about how we think this bill will
8 benefit worker and some very concrete ways. We
9 talked about the reduction in unsafe driving and
10 worker fatigue associated with shorter routes. I'm
11 not going to speak more about that unless you have
12 follow up--

13 COUNCIL MEMBER LANDER: Got that.

14 CHRISTINE BILLY: questions. From the
15 standpoint of worker safety, what we learned in our
16 public outreach efforts is that some companies are
17 not providing basic safety training to their workers.
18 This puts the public at risk and it puts workers that
19 risk. And we believe that intro 1574 well address
20 that. There will be a requirement that all carters
21 provide workers safety training to their workers,
22 including 40 hours of workers safety training to
23 workers who are on the road, such as drivers and
24 helpers. And we are thrilled that that provision of
25 the bill that we are discussing today includes a

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11 a

2 requirement that carters have a language access plan
3 to make sure that that training is being provided in
4 the language spoken by their workers so that it's
5 meaningful and accessible. Beyond that, you talked
6 about wage theft in compliance with worker
7 protections and labor and employment laws. And I
8 know the chair has already spoken to this issue.
9 This is something that the administration takes very
10 seriously and we believe that this plan will address
11 that issue at multiple points in the process. So,
12 one of the benefits of an RFP process is that we are
13 building on top of the licensing scheme that already
14 exists where we can take a closer look at the
15 companies that will be doing business and evaluate
16 them based on their record. As we learned from
17 Sanitation Salvage, and the choices the company makes
18 and accompanies record matters and so we will be
19 looking at the company's history of compliance with
20 all applicable laws, including wage and hour laws,
21 minimum-wage laws, etc. But we are going to go
22 further than that. We are also going to require a
23 health and safety plan which will become part of the
24 binding agreements that the city enters into with the
25 carters and will be enforceable. Additionally, we

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2 think that it is essential that the carters that are
3 selected be able to provide the service safely and
4 efficiently, but also in a way that is legal. And
5 so, we're going to be asking for a staffing plan that
6 will demonstrate that this service can be provided
7 without cutting corners with workers, without
8 violating applicable laws such as minimum wage laws
9 and wage and hour laws. And we take that very
10 seriously. And then, finally, in terms of ongoing
11 compliance, the men's that the city enters into with
12 the carters will have provisions requiring them to
13 continue to comply with all applicable laws and we
14 will have contractual remedies to make sure that that
15 happens.

16 COUNCIL MEMBER LANDER: So, that's all
17 great. I guess, I would like you to address the pay
18 question, as well. You know, this Council just
19 looked into the budget at this issue up a parity
20 across a lot of different categories like should
21 teachers in the classroom in our public schools be
22 paid so much more than teachers in the classroom
23 CBO's? Then I guess I just like you to address that
24 here, obviously. We pay our public sanitation
25 workers are really good living wage because it is a

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2 hard, dangerous, backbreaking job and right now we
3 are paying our private sanitation workers so much
4 less than that. Like it makes the pay parity that we
5 just addressed in the day care sector-- don't want
6 to say look modest, because that was bad, too. But,
7 I mean, is that an issue? Like that's an issue
8 that's on our minds as we are trying to figure out
9 this bill and I am not-- you know, I think as we
10 move forward here-- and I'll close out and turn it
11 back to the chair. We have to find a way to address
12 that and we really want to work with you guys to do
13 that.

14 CHAIRPERSON REYNOSO: And that will be
15 the end-- as a matter of equity, that will be the
16 last question that council member lander would ask as
17 we move forward to the--

18 COUNCIL MEMBER LANDER: I'm turning off--

19 CHAIRPERSON REYNOSO: next panel.

20 COUNCIL MEMBER LANDER: my microphone.

21 CHAIRPERSON REYNOSO: Thank you. So,
22 go ahead. Answer that question and we will move on
23 from there.

24 CHRISTINE BILLY: So, on the issue of pay
25 equity, we look forward to working with you to look

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2 at what we can do as the city of New York to address
3 the issue and I'm happy to follow up with you
4 further, Council member. I don't know if you want
5 director planned to talk about the sustainability
6 questions you asked her if we should move on.

7 CHAIRPERSON REYNOSO: No. No. You can
8 answer that.

9 JUSTIN BLAND: So, in short, we are
10 using all the tools we have to further our zero waste
11 goals, as well. So, we want robust zero waste plans
12 in the RFP. All the proposals will have a zero waste
13 plans saying how you can process all these materials
14 properly and go above and beyond to make additional
15 commitments. That will get you a higher score when
16 we are determining who gets contracts in which his
17 own. Beyond that, there will be-- in our contracts
18 with the carters, they will have to offer all
19 recycling services that customers currently have to
20 do and they will have to offer it at a discount. So,
21 customers will have transparent billing that
22 incentivizes them to do the right thing.

23 CHAIRPERSON REYNOSO: Thank you for that.
24 And I also want to acknowledge that we have been
25 joined by Council member Chin. I want to say we've

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2 been doing this for two hours for anyone who just
3 arrived and we want to make sure that everyone gets
4 an opportunity to speak. And I'm trying to limit
5 that. Just let the record note that I was cutting
6 off the pro and the anti folks. So, it's been fair.
7 And now we are going to go through panels through Pro
8 and against, or for and against. So, thank you so
9 much for your time. Please make yourself available
10 for any and all Council members who want to meet with
11 you hereafter. Then I'll be keeping track of any
12 requests that are being made of me for you to meet
13 with them so that we can make sure that they are as
14 informed as possible. Thank you again for your
15 statement, Council member Chin.

16 COUNCIL MEMBER CHIN: Thank you, Chair.

17 CHAIRPERSON REYNOSO: Council member
18 Chin, can you please do the best you can to be as
19 limited as possible?

20 COUNCIL MEMBER CHIN: Yes. I just want
21 to ask about rat mitigation. That if you doing this
22 zone thing, have you considered how to deal with the
23 rats? You know, like garbage on the sidewalk? Are
24 you mandating that they put out in containers? So,
25 that's my question.

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2 DEPUTY COMMISSIONER BORLAND: Right
3 now, the statute does it specifically address that.
4 We are happy to discuss that with you. I think
5 that's an excellent idea. If waste can be cut in
6 cans or containers, that's the best way to deter
7 rats. So, we are happy to consider that as we move
8 forward with this bill.

9 COUNCIL MEMBER CHIN: Thank you. Thank
10 you, Chair.

11 CHAIRPERSON REYNOSO: And, we'll look
12 into that, too. We're trying to do that on the
13 public side, by the way, Council member Chin, to move
14 garbage to corners instead of allowing for people to
15 put it right in front of their homes. And that will
16 be another fight for another day. Again, thank you
17 so much for your testimony and I appreciate your
18 time. And now I'm going to call our first panel.
19 And I'm just going to put this out there. If you
20 heard something that was stated by someone
21 previously, you don't need to make the point again.
22 That's the first thing. The second thing is all your
23 testimony will be submitted. If you have it in
24 writing, it submitted on the record. So, if you
25 feel-- you don't need to read your testimony Word for

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2 Word. Take out the points that you think are most
3 important and that you want to make. In some cases,
4 reiterating points, so go ahead. The, please, let's
5 be as efficient as possible. Don't say the same
6 thing three times. This is going to be-- I wanted
7 to be meaningful and I want to make sure that the
8 points that we didn't it get it. So, in the next
9 panel is going to be Kevin Drew. Mary Cleaver. Sean
10 Campbell. Orlando Guzman and Ayyad Agubai-- going
11 to try this. Algabyali. Thank you. Sorry about
12 that. Thank you, man. I'm so sorry. This is--
13 they want to kick us out for the broker's hearing.

14 [Background comments]

15 CHAIRPERSON REYNOSO: Thank you. And
16 we're going to go from right to left and we are going
17 to put two minutes on the clock. And I want to say
18 that is a generous two minutes. Remember, make a
19 point and be as concise as possible. Thank you.

20 AYYAD ALGABYALI: Good afternoon. Thank
21 you, Council members. My name is Ayyad Algabyali.
22 And the director of advocacy at the Yemeni American
23 Merchants Association, a grassroots nonprofit
24 organization that was birthed from the hugely
25 successful bodega strike in New York City and

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2 opposing the Muslim ban of the trumpet

3 administration. I'm here testifying on behalf of our

4 5000 small bodega in partnership with Align New York

5 and other allies for private hauling reform and in

6 support of the zone system. Yemeni American bodega's

7 account for thousands of small businesses throughout

8 New York City. These bodega support their livelihood

9 and current garbage hauling system has resulted in

10 steep decrease in revenues for their businesses. Our

11 community has worked very hard to raise themselves to

12 a comfortable standard of living by following the law

13 when it comes to the proper disposal of their garbage

14 and recycling, but it seems that the system has not

15 been working in their favor. Our merchants are

16 constantly by sanitation tickets left and right

17 without educational and proper resource. It is as it

18 is they are forced into a position and are penalized

19 when doing their best to follow the law without any

20 repercussions to the parties hired to help them.

21 It's hard enough owning a small business in New York

22 City today with many of the competitions, as stated

23 before, and reforms like this make it easier and is

24 needed and we hope to work with you guys and all of

25

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2 you and our allies here to make it, you know, better
3 and reform this. You know, if possible.

4 CHAIRPERSON REYNOSO: Thank you for your
5 testimony and we really appreciate the work you do.
6 You guys have really set the standard for social
7 justice advocacy by merchants and by business owners,
8 so I really appreciate you being here. Thank you so
9 much for your testimony.

10 Council member Reynoso, I'm testifying on
11 behalf of Sean Campbell, the president of Teamsters
12 Local 818. The Teamsters are the largest sanitation
13 union in New York City representing public and
14 private sectors sanitation workers at institutions
15 and companies, large and small. Our members work on
16 garbage trucks and transfer stations and recycling
17 facilities. I grew up in Redhook in NYCHA. A job
18 in the private carting industry took me from the
19 projects to owning my own home and sending my kids to
20 college, but that was another era. Today, at many
21 carting companies, a young person would be lucky to
22 get paid minimum wage with almost no benefits.
23 Forget about a pension. That is why we need the
24 exclusive commercial waste zoning legislation
25 proposed by Council member Reynoso. We need one

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2 carter per zone because that is the only way to clean
3 up this industry. With exclusive zones, there will
4 be a stable customer base. Responsible employers
5 will have predictable revenue and can invest in these
6 jobs. They can commit to fair wages, good benefits,
7 and safety programs. They can commit to all of those
8 things without another carter treats its workers like
9 trash offering to charge a dollar less per ton. I
10 understand that big business likes the way things are
11 now. The developers and their lobbyists have been
12 fighting this bill from day one. The lobbyists for
13 the other big corporations have been fighting this
14 bill, as well. These companies were complaining when
15 the workers who picked up the trash were going home
16 with broken arms, lacerations, or worse. None of
17 them were standing with us after 21-year-old African
18 immigrant was killed on the job and it was covered
19 up. But when these workers are just about to get
20 their rights, the big corporations all of a sudden
21 concerned. They like the current system where
22 workers get scraps. Small businesses pay way more
23 and the corporations get the benefits. They want
24 nonexclusive zones so that the bad carters can slip
25 through the cracks and stay in the industry. I hope

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2 our councilmembers will stand with these workers, the
3 communities, the big businesses, and the
4 environmentalists to pass the spell. Thank you. And
5 as an aside, my name is Bernadette Kelly. I am in
6 international representative for the international
7 brotherhood of Teamsters. I am the daughter of a
8 sanitation worker who was a shop steward at Teamsters
9 local 831 of the uniform sanitation men and I can say
10 that zoning works because my family thrived under
11 zoning. He was a Department of sanitation men and
12 I'm his daughter.

13 CHAIRPERSON REYNOSO: Thank you.

14 MARY CLEAVER: Thank you. It's now
15 good afternoon. My name is Mary Cleaver and 30 years
16 ago I founded and have been running ever since,
17 Cleaver Co., a food business here in New York City
18 focused on serving high quality food sourced largely
19 from regional farms practice seeing regenerative
20 agriculture. It Cleaver Co., we care deeply about
21 where our food comes from and also about where it
22 goes. I strongly support Council member Reynoso's
23 bill to establish a commercial waste zone system in
24 New York City for many reasons, but largely because
25 it would help mitigate global warming, the greatest

2 challenge upon us. The commercial waste zone's bill
3 would make our commercial waste system more energy
4 and omissions efficient, as well as far safer for
5 workers and for neighborhoods. In addition to making
6 our streets safer and our air cleaner, this is an
7 enormous opportunity to make our city's entire
8 business sector more environmentally focused by
9 expanding waste reduction services of recycling,
10 composting, and food rescued every customer. By
11 selecting one private sanitation provider per
12 district, we can hold that company accountable to the
13 high environmental and customer service standards.
14 Businesses will no longer need to search for a
15 company that will compost organics. Currently,
16 composting services are limited and difficult to
17 obtain, especially for small and independent
18 businesses like Cleaver Co. At all the commercial
19 locations my business has operated in, I've had to
20 research a waste provider willing to accept food
21 waste for composting. I've had to negotiate over
22 prices and I've had to push to try to ensure that the
23 price for compost isn't higher than the price of
24 sending waste to landfill. Business owners should
25 not have to make an extraordinary effort to obtain

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2 sensible, sustainable ways services. Affordable
3 compost and recycling services should be available to
4 every and all New York City businesses that need them
5 and pricing and service should be transparent and
6 trustworthy. Intro 574 would to just this. The bill
7 requires selected waste haulers to provide organics
8 and recycling service to every customer who wants
9 them and gives haulers strong incentives to improve
10 the facilities and trucks needed to scale up and make
11 these services affordable. With more composting of
12 organics, we can turn food waste into topsoil to grow
13 food, rather than sending it to the landfill to omit
14 methane and increase global warming. On behalf of
15 thousands of entrepreneurs and business owners across
16 our city who care deeply about our environmental
17 footprint and our impact on climate change and our
18 shared future, I urge the city Council to follow
19 other cities like San Francisco, Seattle, and Los
20 Angeles.

21 CHAIRPERSON REYNOSO: Thank you.

22 MARY CLEAVER: Pass this bill and
23 effect positive change and New York City--

24 CHAIRPERSON REYNOSO: [interposing] Thank
25 you for you testimony.

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2 KEVIN DREW: Good afternoon, Councilors,
3 my name is Kevin Drew. I'm with the city of San
4 Francisco. The Residential Zero Waste Senior
5 Coordinator. I've been in that position for 18 years
6 and prior to, I was running recycling programs in the
7 city of San Francisco for about 12 years and I have
8 over 30 years of experience. SAN Francisco has used
9 an exclusive collection system to reach and over 80
10 percent re-utilization of the materials that come
11 into our city. This creates a local circular economy
12 that continues to improve efficiency, creates more
13 and better jobs, and can reinvigorate the environment
14 by putting those materials back into the natural
15 systems. We have a deep understanding of the
16 complexities and the controversy that a company
17 exclusive arrangement. We are ready and willing to
18 share our experience and lessons learned with the
19 city of San-- excuse me. With the city of New York.
20 And we are--

21 CHAIRPERSON REYNOSO: [interposing] Can
22 I-- I'm sorry. One sec. can I get a pause on the
23 clock on this one? So this is an example of waste
24 zoning in San Francisco and there has been a lot of
25 conversations about someone-- another city that is

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2 done it, so I want to give you the time to be able to
3 really speak to your experience because I think that
4 it-- even though all testimonies are significant,
5 this is one perspective that we really haven't heard
6 yet, so please continue.

7 KEVIN DREW: Thank you. And I want to say
8 that, as I just mentioned, we are ready to help in
9 any way that we can, both here today and after this
10 meeting. I'm happy to talk with other counselors and
11 with city staff, as well. I'll be around tomorrow
12 and will obviously be available electronically in
13 whatever way necessary. To address specific
14 questions, some of the questions that the counselors
15 had earlier today are ones that I would talk about.
16 For instance, the question that came up around
17 comparison-- great comparison. Our rates are
18 comparable with other Bay Area cities, as well, in
19 terms of working with small businesses. We spend a
20 lot of time working with the small business
21 community. I understand that you have done that kind
22 of work, but that work is never unnecessary or you
23 can't do too much of it. Maintaining the service
24 level is key, and maintaining the rates is key. I am
25 a member of our rate review committee in San

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2 Francisco. We are overseeing the exclusive franchise
3 arrangement very carefully. We have excellent
4 customer service that is-- Recology (sp?) is the
5 service provider in our case. One of my particular
6 jobs is to see that any complaints that come up our
7 address by Recology or by the city in terms of
8 maintaining the rates or maintaining the services
9 that are agreed upon in the-- agreement. Our
10 service agreement. So, I wanted to assure folks that
11 there is a way to address the concerns, whether it's
12 customer service, competitive prices, maintenance of
13 the system. One key thing is that there is a cost to
14 putting a good system into place. And it is not an
15 expensive, but it does not have to break the bank.
16 And as I see the amount of savings that you are
17 calculating, reinvesting that into the system to
18 create a good infrastructure and a good-- a
19 competitive system, but also a system that is
20 overseen by the Department of sanitation and BIC,
21 that is-- I think that's very doable. And we are
22 happy to show you how we do it in San Francisco and
23 come here and help work with you to help make that
24 transition. I think-- yeah. Just summarizing, the
25 opportunity for New York City to lead the way in

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2 terms of creating a commercial system that really
3 gets it it's the recovery of the resources that are
4 available in the city is just gigantic in terms of a
5 global leadership, in terms of what we have to do on
6 the planet to solve the problem of climate crisis.
7 We have invented some things in San Francisco, or
8 discovered some things in San Francisco that I think
9 are very replicable and other cities and we are-- we
10 really trust on other cities abilities to take
11 that leap and go to the same place we are going and
12 make that happen. Thank you.

13 CHAIRPERSON REYNOSO: Thank you for your
14 testimony. I really appreciate it. Orlando?

15 ORLANDO GUZMAN: Good afternoon. My
16 name is Orlando Guzman and I'm here testifying on
17 behalf of Outrage, Organizations United For
18 Reduction And Garbage Equity. We are an
19 environmental justice organization in North
20 Brooklyn and I just want to summarize. I think we
21 all know that North Brooklyn, along with South
22 Bronx and sections of Queens, we have to deal with
23 pretty much all New York City garbage. We have
24 to-- We have the concentration of waste transfer
25 stations and also garages for these carting

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2 companies. We have the highest, one of the highest
3 rates of asthma in the entire city and we believe
4 that that is an environmental racism. These are
5 communities of-- low income communities of color.
6 We think that the city is doing steps in the right
7 direction. We are happy that the ways to equity
8 bill passed last year, and we believe this is
9 another step in the right direction. I think-- We
10 think that the commercial waste zoning is a great
11 tool that is going to bring equity, as well. One
12 thing, though, that we are concerned, and I think
13 we owe that it's going to be addressed in this
14 legislation, is about the air quality. We have a
15 lot of those trucks park in our communities and
16 they are going to be-- even though they're not
17 going to pick up garbage within North Brooklyn,
18 they are going to be coming and going from our
19 community. So, one thing that we want to stress is
20 the need that this new fleet of commercial waste
21 trucks, they have to be close as possible to zero
22 missions. They have the technology. There is the
23 technology available and it's an investment that
24 these companies should be doing because we need air
25 quality, especially in North Brooklyn. I think you

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2 so much, counsel member Reynoso, for your
3 leadership on this issue.

4 CHAIRPERSON REYNOSO: Thank you. And I
5 know that even though there is been a significant
6 reduction in the amount of pollution that like, for
7 example, the white DSNY trucks do, we have fallen
8 short on the commercial vehicles side and we
9 actually think DSNY could do a little more. So, we
10 are conscious of that. I know it's not in the plan
11 right now, but we will definitely be paying
12 attention to that.

13 ORLANDO GUZMAN: Thank you.

14 CHAIRPERSON REYNOSO: I want to thank
15 this entire panel for your testimony and we will be
16 reaching out to each and every one of you if we
17 need more assistance, so thank you so much.

18 KEVIN DREW: Thank you.

19 CHAIRPERSON REYNOSO: Our next panels
20 Steve Shengaris from NWURA. Zach Steinburg from
21 the Orebni (sp?). Kendall Christiansen from NYRWM.
22 Adam Mitchell from Mr. T Carting and the New
23 Yorkers for responsible waste management or NYRWM
24 Isaac Jordan.

25 [Background comments]

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2 CHAIRPERSON REYNOSO: And I know folks
3 expected to be gone by 1 o'clock and may have other
4 engagements and other commitments, but,
5 unfortunately, it's going to be very difficult for
6 us to accommodate, you know, requests to testify
7 early. We are down to 11 panels, I guess, is what
8 I'm saying, so thank you. I want to start from--
9 we'll let Kendall go first. Kendall, do you want
10 to start on your side? On the right side? Thank
11 you, Mr. Christiansen.

12 KENDALL CHRISTIANSEN: Give me a second
13 to pull out my testimony.

14 CHAIRPERSON REYNOSO: Then let's start
15 from the other side, then. Let's start from left
16 to right, so go ahead.

17 ADAM MITCHELL: Hello. My name is Adam
18 Mitchell. I took a vacation today to, and share my
19 views on your legislative proposal. I have split
20 the last 30 years between New York City and Boston
21 in both ownership roles and employee in the
22 commercial waste industry. I'm formally a member
23 of the Queens solid waste advisory board,
24 consultant to DSNY in the 90s. I was even a
25 lecturer at NYU on waste and recycling and a member

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2 of Mayor Dinkins' blue ribbon committee on market
3 development. Today, I managed a sales team of
4 eight people at Mr. T Carting, a 70-year-old
5 independent locally owned company based in Brooklyn
6 and Queens. Why does this proposal to create
7 exclusive monopoly zones concern me? Three
8 different ways. First, the customer's perspective.
9 There is nothing more frustrating for a business
10 owner then not being able to choose their vendors.
11 Locking in one vendor to five vendors for 10, 15
12 years will produce immense outcry from your
13 constituents and the business community. Number
14 two, waste reduction goals. There have been
15 mandatory recycling regulations on the books here
16 in New York City for years. Since the 90s. But
17 they are so lightly enforced by DSNY it's as if
18 they don't exist. For the under informed, the
19 propaganda espoused by folks like Justin wants, the
20 New York lawyers for public interest would make it
21 seem that it's the commercial waste industry's
22 fault that more recycling isn't happening in New
23 York City and that's a blatant lie. At my company
24 last year, we recycled and composted 36 percent of
25 the material that our customers set out for

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2 recycling and we want to do more, but we need a
3 willing enforcement partner. And without adequate
4 funding from DSNY, the city Council, and the
5 Mayor's office, it's just going to kick the
6 enforcement can down the road. Number three,
7 economic perspective. The root of this proposal
8 amazes me. It amazes me that it's being promoted
9 and a progressive city like ours. If you vote for
10 this proposal or the hybrid proposal we will see
11 shortly, you'll expedite the appropriation of
12 capital by government without compensation. To
13 quote Elizabeth Warren, there is way too much
14 consolidation now in giant industries in this
15 country. It hurts workers. It hurts independent
16 locally owned businesses. It hurts our economy
17 overall. And it helps restrict real innovation and
18 growth in this economy. I think your proposal is a
19 wolf in sheep's clothing. It's a giveaway that's
20 greater than the Amazon deal that many of you
21 rejected. Please, I urge you to vote no on this
22 proposal.

23 CHAIRPERSON REYNOSO: Thank you for your
24 testimony. I'm going to call Elizabeth Warren and
25 see where she stands on this issue.

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2 [Laughter]

3 CHAIRPERSON REYNOSO: And see whose side
4 should be on. But, thank you. You're very smart.

5 STEVE SHENGARIS: Thank you, Mr.
6 Chairman. My name is Steve Shengaris. I am more
7 at the National Waste and Recycling Association. I
8 submitted some copies of testimony, mostly on the
9 bells that no one has discussed about the day that
10 is on your agenda. I just want to real quickly say
11 that if those bills were passed or worked on mu--
12 we endorse some of the concepts. We like some of
13 the bills, but a lot of the work that if you did on
14 those bills and improve them, you would drive the
15 trade waste practices in the city tremendously
16 close to where you want to be. But, because
17 everyone is on the 1574 Bill today, with the waste
18 zones, I just want to remind the committee that the
19 chapter's formal position on the creation of the
20 new commercial zones has already been made known.
21 We would prefer the city to focus on improving the
22 current trade waste collection system instead of
23 creating a completely new governmentally mandated
24 zone collection system. But, that said and
25 notwithstanding if all the other measures were put

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2 into place, is the choice of the city and the
3 intergovernmental process is to continue to go down
4 the path of the zoned collection system, the idea
5 is we don't believe that-- you know, the one
6 hauler per zone is the preferred view for this
7 time. We don't believe third-party audits would be
8 necessary. If they are required, it will create a
9 whole new unnecessary cottage industry and related
10 expenses that will be paid by the city businesses
11 who are customers. And, also, is an exclusive zone
12 system is adopted, there will be no need for the
13 traditional rate controls in place today. That's
14 going to be the case since, as it's been said
15 before, the new trade waste rates and the services
16 mandated to the city businesses will be based on
17 the material volume charges created through the
18 private sectors on competition process and will be
19 accepted only after full city review of the-- an
20 exclusive zone contract award procedures
21 establishing that they are the most appropriate
22 rates to be charged under the new system. We look
23 forward to continue to working with you and, you
24 know, were going to stay involved through the end
25 of this. Thank you very much.

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2 CHAIRPERSON REYNOSO: Thank you for your
3 testimony. Yeah. DO you want to-- We're going to
4 go back to the left side. So, you can testify.

5 ISAAC JORDAN: Hi. My name is Isaac
6 Jordan. I am New Yorkers for Responsible Waste
7 Management. I'm going to make mine very short and
8 to the point. It's basically just standing for the
9 basic New Yorker workers who are the owners of
10 carting companies that are generations of companies
11 that have been here in New York that are small
12 business owners. And these small business owners
13 are going to be swallowed up and they are going to
14 be not able to employ workers. Workers are going
15 to lose jobs. Jobs will be lost as there are only
16 two companies controlling the waste management in
17 the city. And it will be just like Wall Street
18 losing jobs that will leave and never come back.
19 We will not see these jobs come back for those
20 people that lose their jobs especially in minority
21 neighborhoods, which are-- will be affected and
22 impacted by this decision. So, New York is about
23 the small business is and this will be affected by
24 those business that are owned and have made New
25 York what it is today. New York is about the

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2 business owners that have been here for generations
3 and for two companies to just run the waste
4 management in New York would create chaos for the
5 businesses that have been here for generations and
6 employ people that are in those neighborhoods.

7 Thank you very much.

8 CHAIRPERSON REYNOSO: Thank you for your
9 testimony.

10 UNIDENTIFIED: Thank you, Mr. Chairman
11 and members of the committee. I want to speak from
12 the perspective of the large commercial properties
13 make up Remni's (sic) membership. Receiving the
14 highest quality waste removal services is of
15 paramount importance to large commercial property
16 owners. In these large buildings, effectively
17 managing trash and recycling requires hard work and
18 careful coordination from the time of the cleaning
19 staff starts a working at 6 PM to the time that a
20 truck arrives in the loading dock to remove the
21 waste, which is often between two and 6 o'clock in
22 the morning. Successfully completing this
23 operation is essential so that tenants conduct
24 their daily commerce in a pleasant environment,
25 companies can meet their environmental stewardship

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2 and waste diversion goals, and communities can
3 remain desirable places to live, work, and visit.

4 This is why we are deeply concerned about the
5 impact of Intro 1574. Under this proposal, if an
6 authorized carting company were to fall short of
7 its responsibilities, New York City businesses
8 would have no ability to change companies in order
9 to have their garbage and recycling collected in a
10 timely, reliable manner. Competition does not just
11 mean through an RFP process, but it means the
12 ability of a business to terminate a contract in
13 choose a different vendor with whom to work.

14 Without the flexibility to change corridors, owners
15 would have limited ability to receive customized
16 service to meet their unique needs. Indeed, it
17 would take only one missed pickup or a slight
18 erosion in service for a building to smell, trash
19 to spill on the street, and quality life to erode.

20 Large commercial offices are very different than
21 the small businesses who put trash out each night
22 on the street and have it picked up by a truck.

23 For particularly large commercial properties that
24 utilize compactors and other containers to manage
25 their waste, these trucks to service these

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2 buildings go from the building to the transfer
3 station with no intervening stops. Any regulatory
4 system imposed upon these owners offers no
5 environmental benefits and the reduction of vehicle
6 miles traveled. All it does is risk constraining
7 the ability of those businesses to obtain high
8 quality service and these are the businesses that
9 produce the most waste in the city. On this basis,
10 we hope that you will see that any reformed
11 proposal will preserve the ability of these
12 properties to obtain services from as many
13 qualified companies as possible. Thank you.

14 CHAIRPERSON REYNOSO: And just foreheads
15 up, the concern that you have related to the one
16 truck coming in and one truck coming out, if the
17 net neutral environmentally is something that were
18 looking into with the Department of sanitation.
19 So, I just want you to know that it is something
20 that we are paying attention to in relation to your
21 consent.

22 UNIDENTIFIED: Thank you very much.

23 CHAIRPERSON REYNOSO: Council member--
24 So, Councilmember, I'm going to let Christiansen
25 speak and then you can speak to the entire panel.

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2 So, Kendall, you make your testimony and then
3 Council member Deutsch for questions.

4 KENDALL CHRISTIANSEN: Yes. Thank you.
5 Thank you, Mr. Chairman. I did submit testimony.
6 Hopefully you have it. Any resemblance to Monopoly
7 cards is intentional, so I'm not going to summarize
8 it by any stretch. I thought it would make it
9 easier for you to sort of flipped through and see
10 that there is a section about understanding the
11 commercial waste system as it currently exists.
12 There is five pages on understanding what is
13 happened in LA, including the recent increase in
14 illegal dumping in downtown LA that's attributed to
15 recycle LA. There is a page on the DSNY near
16 monopoly plan, high risk reward. There is a page,
17 Mr. Chairman, what happens when you use a stick to
18 regulate and how you can get it wrong and cause a
19 lot of damage. And then there is a page on intro
20 996 being a better choice to sooner, better,
21 cheaper achieve the various goals that have been
22 discussed today. What I want to begin with an
23 anecdote that is on page 2. I have been-- because
24 of term limits, none of you were here, but I
25 happens to be in the back of the chamber in 1996

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2 when the Trade Waste Act was adopted and I've been
3 working for a local company that had been acquired
4 by one of the large national companies and met
5 their lobbyist in the back in that hallway. And I
6 pose the question what's their projection for the
7 industry then five years from that point. And his
8 answer verbatim was, quote, three companies left
9 standing and prices through the roof, unquote.
10 That didn't happen. The local industry rallied to
11 the changes in the law and how the industry was
12 structured and met the requirements of creating a
13 competitive industry with a fair choice for
14 customers and the like. For national companies
15 have tried to operate in New York and have given up
16 because the local companies do it better and that
17 so I'm here to represent today on behalf of New
18 Yorkers for Responsible Waste Management, which is
19 a consortium of about 25 locally owned and operated
20 waste and recycling service companies, most of them
21 with multi-generational service to the city. Thank
22 you very much.

23 CHAIRPERSON REYNOSO: Thank you,
24 Kendall. Council member Deutsch for questions?

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2 COUNCIL MEMBER DEUTSCH: Thank you. I
3 just have-- that's a yes or no answer. What
4 conversations did any of you have prior to today
5 and regards to ensure 1574 with your concerns with
6 this committee, or with sanitation department or
7 third New York City entity?

8 KENDALL CHRISTIANSEN: So, I'll respond
9 to that.

10 COUNCIL MEMBER DEUTSCH: Okay.

11 KENDALL CHRISTIANSEN: So, I participated
12 in the DSNY advisory board. I would say that there
13 was never any vote taken at that advisory board,
14 about 35 people, to either endorse the DSNY plan or
15 the 1574 that's before the committee today. The
16 one zone plan was never really-- the monopoly zone
17 plan was never really discussed in that advisory
18 board process. I have met with some of you
19 individually as members, and though we've not
20 really had a full sit-down with the Chairman or
21 staff and would welcome the opportunity to do so.

22 COUNCIL MEMBER DEUTSCH: Thank you. I
23 just want to get an answer from everyone. From
24 each.

25

2 STEVE SHENGARIS: I'm very similar to
3 Kendall. We participated in the zone advisory
4 board meetings. We've been before Chairman
5 Reynoso. We've been active with the BIC and this
6 issue has always been in the ether every place we
7 go because this is-- again, I made a general
8 comment to my members in preparing testimony and I
9 mentioned it earlier. The bills on the agenda are
10 the essence to make this industry better in this
11 state, in this city, as opposed to the zone
12 collection. The elements of those bills on your
13 agenda today are going to be the elements in the
14 RFP if the DSNY put out. So-- and it gets back to
15 what other councilman said. Those elements of
16 those bills in the current model, you can drive the
17 ball way down the course.

18 KENDALL CHRISTIANSEN: Well, I would
19 second that. In fact, much of 1574 is good stuff.
20 It's all best practices. It's all the direction
21 that the industry would prefer to go, rather than
22 fighting over the politics of zones and so, there
23 is much in that that was discussed in the advisory
24 board process, much of which is industry best
25 practice already and is worth discussing to find

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2 alternate ways to achieve it and, particularly,
3 through the framework of 996 that preserves the
4 open market system, but creates a framework for how
5 to move forward on those issues.

6 COUNCIL MEMBER DEUTSCH: Thank you.
7 Anyone else? Anything to add?

8 UNIDENTIFIED: We've identified the
9 opportunity to visit with you and other Council
10 members. The Chairman, his staff, that the
11 administration, and appreciate the open door and
12 the ability to communicate.

13 ADAM MITCHELL: President of the
14 organization and Mr. T Carting is a member of the
15 advisory board. I've had informal conversations
16 with Asher Freeman about the bill. I've met with
17 two city counselors to talk about that as well as
18 other environmental issues.

19 COUNCIL MEMBER DEUTSCH: Anything
20 that? No? Thank you.

21 CHAIRPERSON REYNOSO: Thank you. Thank
22 you for your testimony. I appreciate it. The next
23 group is-- Plania Cruz Alvarez.

24 [Background comments]

25

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2 CHAIRPERSON REYNOSO: Clive Austen. Dan
3 Gabbe. Adam Cope and Brandon Sexton. I just want
4 to say when you fill out these cards, I'm supposed
5 to read them.

6 [laughter]

7 CHAIRPERSON REYNOSO: And I went to
8 Catholic school, so the nuns would've been very
9 upset with the handwriting some of these. All
10 right. Do you want to start? One sec here. Yeah.
11 Can you hit the-- can you click the mic to make
12 sure that we can hear you?

13 DANIEL GABBE: All right. Great. My
14 name is Daniel Gabbe. Was born in New York and I
15 have resided in Manhattan for most of my adult
16 life. I have watched sanitation vehicles go
17 through red lights, speed down our streets, curbs
18 near pedestrians, and I've often seen them go the
19 wrong way on one-way streets. Always heard stories
20 of people being killed and severely injured by
21 these tracks, but never thought it would be me,
22 especially considering how careful I always was
23 with everything. On November 8th, 2015 that
24 changed. I biked home from work hugging the right
25 side of the street as I always did when a waste

2 vehicle was speeding down Houston Street. He had
3 so much room and for a split second we were
4 parallel, but then he started to hug the curb in
5 the back to wheels of his vehicles sucked my body
6 in. Then his 20,000 pound vehicle pulverized my
7 body against the pavement dragging me for 20 feet
8 before he finally stopped. It was the most blood I
9 had ever seen in my life and it was coming out of
10 me. My femoral artery was severed and the doctors
11 said I have lost over 70 percent of my blood before
12 I arrived at the hospital. After my first surgery,
13 my family asked if I would live in the doctors
14 said, although he has somehow survived up until
15 this point, it is unlikely his heart will be able
16 to take the trauma that has occurred to his body,
17 so it is still likely he will die. My body was
18 mutilated in what followed was 150 days of
19 uncontrollable screaming because of my extreme
20 pain. I have suffered in ways that most people
21 could never comprehend and in ways much more
22 graphic than I choose to describe here. I've lost
23 many things that I will never get back in the
24 person who did this to me is walking around more
25 free than I may ever be. I was in pain when I

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2 wrote this in almost every day of my life in the
3 past three and a half years has included
4 excruciating physical pain. However, my battle
5 with my pain and the emotional things that come
6 along with it along to me. I'm not here for me.
7 I'm only here because I know I have to do whatever
8 is in my power to make sure this doesn't happen to
9 anybody else. My pain will continue, but the
10 conditions which led to my crash and others
11 injuries and deaths must change. Private
12 sanitation trucks are obviously not well-regulated.
13 The driver who did this was likely under the
14 influence, but was somehow able to avoid testing.
15 The company of the driver employed-- the company
16 the driver was employed by had prior crashes, but
17 somehow had no issues being insured and literally
18 nothing stopping them from being on the road. The
19 company owned the vehicle and employed the driver
20 didn't have to pay anything. They didn't have to
21 stop their business and were able to continue with
22 no issues even after admitting fault. The ripple
23 effect that these crashes have on friends,
24 families, and sometimes even whole communities is
25 irreversible. The pain in the eyes of my parents

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2 and the hundred or so people who visited me in the
3 hospital was so terrible that it still haunts me.
4 The fact that all these things mentioned above
5 could occur in a place as civilized as New York
6 City is almost unbelievable. It seems there's
7 almost nothing to protect the flesh of human beings
8 against the reckless driving and dangerous design
9 of these multi-ton trucks. I'm almost done, by the
10 way. This is why legislation is needed. In other
11 cities like LA, Seattle, and San Francisco where
12 there are exclusive ways sewn systems, the top
13 companies have just one third of the crashes per
14 driver compared to what we have in NYC. Although
15 my survival may be unique, the situation
16 unfortunately isn't. When something so terrible
17 keeps consistently happening over and over by the
18 drivers of these trucks, it's a no-brainer that we
19 must stop it. Please don't let people die and
20 suffer in vain for what could easily be avoided.
21 Families for Streets strongly supports intro 1574
22 and helps the city Council pass it as soon as
23 possible. Thank you.

24 CHAIRPERSON REYNOSO: Thank you for your
25 testimony. I really appreciate it. And on that

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2 Families for Safe Streets does and it's unfortunate
3 to even saying that you're actually one of the
4 lucky ones, right? It's a sad thing, but I
5 appreciate your advocacy and you being here and
6 giving us your testimony about your unfortunate
7 incident. Thank you.

8 BLYTHE AUSTIN: Hello. Thank you for
9 having us here today. My name is Blythe Austin. I
10 am a crash survivor and work with crash survivors
11 and the families of crash victims who did not
12 survive. As you know, large trucks are involved in
13 a disproportionate number of traffic deaths in our
14 city. The sheer size of these trucks mean that the
15 trucks operate like tanks rolling through our
16 communities. You just heard Dan's story. You've
17 also heard about the death three days ago of Robin
18 Heitman (sp?), who was hit from behind by a
19 tractor-trailer with such force that they flew
20 several feet through the air before being crushed
21 under the wheel of the truck. Their bicycle and
22 their corpse were left in mangled pieces across
23 Sixth Avenue. Or the death of Arrillo Lawrence
24 (sp?) last February. Arrillo's entire body was
25 crushed under the wheels of an oil truck from the

2 bottom of her feet to the top of her head. Garbage
3 trucks crushing people is tragically common.
4 Families for Safe Streets has two members who each
5 have a leg amputated after it was crushed under the
6 wheels of a garbage truck. Jed McGriffith was
7 walking across Sixth Avenue in the crosswalk with
8 the right of way when he was hit by a garbage truck
9 driver and lost his entire left leg up to his
10 hipbone. His injuries required 20 surgeries. He
11 spent six weeks in a medically induced coma and a
12 weeks in the ICU. Lauren Hine was also crossing
13 the street in the crosswalk with the right-of-way
14 when a garbage truck driver hit her and then
15 dragged her down the street until bystanders got
16 the driver to stop. Like Jed, Lauren lost her
17 entire left leg. In addition, her pelvis was
18 shattered, her bladder ripped, and she had large
19 burn like wounds down the entirety of her remaining
20 leg. She spent two months in the hospital. What
21 happened to Jed and Lauren and Dan could happen to
22 any of us. Large trucks are a menace on our
23 streets. Since 2010, 26 people have been killed by
24 private garbage trucks alone. There are too many
25 garbage trucks on our streets and they are killing

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2 people. As part of your job to keep New Yorkers
3 safe, you must take steps to minimize the
4 prevalence of these vehicles. Intro 1574 will do
5 just that. Thank you.

6 CHAIRPERSON REYNOSO: Thank you for your
7 testimony. We appreciate you, again. The
8 organization. Thank you so much for everything
9 you're doing when it comes to advocacy related to
10 transportation issues. We really appreciate it.
11 Thank you.

12 Good afternoon and thank you for the
13 opportunity. I'm proud to share heritage with you,
14 Chair Antonio Reynoso. Many years ago, I came as
15 an undocumented alien to the United States to this
16 great nation. Eventually I became a citizen. I
17 attend the city college. I went back to the
18 Dominican Republic to work there for seven years.
19 When I came back, the job offers were not that
20 attractive, so I became a garbage man because going
21 through college, most kids wanted to be either a
22 policeman, fireman, or garbage man, not because it
23 is an easy job. And it is a tough, dangerous job.
24 However, they would get good pay and good benefits
25 when they are properly represented. Unfortunately,

2 our industry, the private sanitation industry, is
3 in a race to the bottom. We have those companies
4 that appear to be good companies like Mr. T
5 Carting. I heard the man testified before. I used
6 to work for Mr. T Carting, so I know Mr. T Carting
7 is. I have an example of a brother that worked
8 from them for like about 10 years. He contracted
9 cancer working from them and they even denied their
10 own employment. And since they don't have a good
11 union anymore-- they have a fake union like many
12 we have here in New York, he had to come to the
13 Teamsters and we fought for and he got his
14 unemployment. That's Mr. T carting. I got fired
15 because I was the face of the real union there and
16 my last two weeks of pay and never got. And they
17 have all kinds of excuses. That's the kind of
18 companies that we have running New York private
19 sanitation. So, we need the spell. We have to
20 change the way this industry is a run. We care
21 about the environment and it gets to me the fact
22 that most people that are against this bill don't
23 think about the human beings. The human resource,
24 the most important thing. Environment, safety, and
25 the people who do the job. We should be carrying

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2 about that. That's the most important thing in my
3 opinion. So, please, we need the spell. Thank
4 you.

5 CHAIRPERSON REYNOSO: Thank you for your
6 testimony. Thank you.

7 Hi. My notes send good morning, but
8 that's incorrect. Thank you very much for the
9 opportunity to speak. I am Brendan Sexton. I am a
10 member of and former chair of the Manhattan Solid
11 Waste Advisory Board. And I do want to obey your
12 instruction not to repeat what's already been said
13 on many. We are very-- the Solid Waste Advisory
14 Board is very supportive of 1574. We have been in
15 favor of zones and franchise like systems for as
16 long as I have been involved in it. That's over a
17 decade now. We do support this bill with some
18 adjustments and I'll try to be very brief. Wine
19 news, on the question of multiple or single
20 contractors her zone, the board, frankly, has
21 advocates of both positions, but we have come down
22 in favor of allowing businesses to choose more
23 than-- from more than one offering. And so, we
24 support the commissioner's proposal, which was for
25 3 to 5 corridors per zone. I must say, as a former

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2 executive, the Department of sanitation, the notion
3 that if I had a zone and a problem with the
4 corridor in that zone and I had someone else who
5 was already serving other customers in that zone
6 that I could switch to, I would appreciate that
7 greatly as a management tool. The Sanitation
8 Salvage example is a good one. Companies that go
9 bankrupt or are wrong, to have someone to switch to
10 is important. Second, I would like to see greater
11 info says to recycling and zero waste and the
12 requirements. The truth is some people don't want
13 to think about this, but that almost certainly
14 means composting. That's the one proportion of our
15 ways which is poorly recycled now and, without some
16 legislative impetus, we will never be recycled
17 greatly, I don't think. Finally, an issue no one
18 has mentioned, micro haulers. We deal a lot out
19 the Solid Waste Advisory Board because we are a
20 citizen group. We deal with citizen recyclers,
21 community gardens, and others. And the bill now
22 has a very restrictive requirement on what
23 qualifies you for legally being a micro hauler. It
24 says you have to do feel were and 60 tons per year,
25 which is really much too small. We would probably

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2 suggest a micro haulers could go up to 10,000 tons
3 a year before requiring a permit as a commercial
4 corridor. And I'm being crowded out. But, at any
5 rate, thank you for the opportunity to speak and we
6 are generally very supportive of the bill. We do
7 not think of the monopolistic approach is the
8 preferable one. We do think that the RFP process
9 will allow for high quality services, especially
10 recycling and organics. And we appreciate the
11 chance to work with you further on it. Thank you.

12 CHAIRPERSON REYNOSO: So, and just if
13 you can, can Manhattan swab send us their concerns
14 in writing, unless we already have them, and I just
15 want to acknowledge that Brendan Sexton is the
16 former Commissioner to the department of
17 sanitation. I want to thank you for taking the
18 time. You are also--

19 BRENDAN SEXTON: Thank you.

20 CHAIRPERSON REYNOSO: the person with
21 the sloppy handwriting that I was talking about,
22 Brendan. I almost couldn't read that it was here.
23 The thank you for your testimony. I'd be pleased--

24 BRENDAN SEXTON: Thank you.

25

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2 CHAIRPERSON REYNOSO: if you can get
3 that information to me. It would be helpful.

4 BRENDAN SEXTON: Thank you.

5 CHAIRPERSON REYNOSO: Thank you. And
6 now we have Adam Cope, who is actually from--

7 [background comments]

8 CHAIRPERSON REYNOSO: Yeah. From
9 Oakland who is also going to be able to speak to
10 us. So, please.

11 ADAM COPE: Good afternoon, council
12 members. Yeah. I'm out here from Oakland. I
13 represent a nonprofit conservation Corps. Civic
14 Corps Schools. We have two separate social
15 enterprises. One is land management contracts,
16 which I directly oversee, but we also have a
17 recycling social enterprise. In 2014, we were
18 written into the franchise agreement with waste
19 management through the city of Oakland and that
20 allowed us to be one of the smaller players as
21 recycling and organics. Without that franchise
22 agreement and being written into it and having that
23 support, we would never be able to have right now,
24 which is one of our most successful social
25 enterprises, the recycling program. It's a pre-

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2 apprenticeship program that allows us to work
3 directly with the Teamsters Union and we are able
4 to, essentially, have a training program that
5 guides our young folks as they are going through
6 our program directly into families sustaining jobs
7 with the Teamsters Union and, eventually, they walk
8 into full-time jobs that will Waste Management.
9 There was a lot of opposition at first to do this.
10 A lot of trepidation with Ways Management with the
11 union. However, we are providing union members.
12 We are also providing a valuable service to the
13 city of Oakland with streamlined recycling services
14 that we are extremely capable of doing an extremely
15 responsive. So, I think it's a model that can be
16 replicated and works well. I think that it also
17 proves that you can work with major agencies and
18 break pieces off and work with the unions and
19 nonprofits together. Symbiotically and it's proven
20 and I hope it's replicable here, too.

21 CHAIRPERSON REYNOSO: So, thank you for
22 your testimony. So, it seems like LA is the only
23 city that's doing zoning when it comes to the
24 arguments that people make on whether it is
25 successful or not. But we've already heard from

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2 San Francisco and now Oakland about the successes
3 that they have had. And they're very early brought
4 up in the conversations that we have, but I do
5 appreciate your testimony and your experience. It
6 tends to be, when we do meaningful things here in
7 the city Council, that a lot of folks believe the
8 sky is falling in the present doomsday scenarios.
9 And that happens almost every single time, again, I
10 think a meaningful piece of legislation happens.
11 In this city, New York City, is a perfect example
12 of one where the sky is very rarely has ever
13 fallen.

14 ADAM COPE: The sky is not falling.

15 CHAIRPERSON REYNOSO: It doesn't. So, I
16 don't believe that that's the case. I don't think
17 there is a doomsday scenario here. I think that we
18 are very resilient as New Yorkers. We figure it
19 out always. In the department of sanitation is
20 actually-- In the city, the Department of
21 sanitation wants to be as flexible as possible and
22 it's taking its time to present those in 3 to 4
23 years to make sure that the rollout is as
24 successful as possible. There is no rush and we
25 want to get this right. So, I do appreciate your

2 testimony. And we are falling-- we do need to
3 have conversations here about the work of recycling
4 for organics and smaller, like what we called micro
5 haulers here, that we've kind of left out. So, we
6 are having discussions with the Department of
7 sanitation that would allow for, not necessarily
8 not for profits, but in some cases they are, but
9 just these smaller haulers that are doing good
10 work. And then, that whole apprenticeship
11 conversation. If we do this work, there is an
12 assumption being made that many of the larger
13 companies that are doing the right thing and a
14 probably great high here, have high standards for
15 workers tend to have Teamsters or union in them,
16 real unions in them, and were hoping that that can
17 lead to more high quality work for the workers.

18 ADAM COPE: Yeah. It will lead to more
19 high quality jobs, too.

20 CHAIRPERSON REYNOSO: Yes. Exactly.
21 So, thank you again for your testimony. We really
22 appreciate-- To this panel, thank you again. I
23 appreciate it.

24 BRENDAN SEXTON: Thank you, sir.

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2 CHAIRPERSON REYNOSO: This is going to
3 be the last panel that we have in this room. After
4 this, we have to move to a smaller room because
5 there's gonna-- there's 400 people waiting outside
6 for the next hearing, so we're going to have this
7 group and then we have one, two, three, four, five,
8 six, seven, eight-- about nine panels left. So,
9 we're going to go with Ron Bergamini from Action,
10 Anthony Carmona from Waste Connections, back to Tuk
11 Oyewole from the Environmental Justice Alliance.
12 Yes. Eric McClure from Street PAC (sp?) and Chia
13 Valeria Gonzales from Align. You guys. So, we're
14 going to start from-- on down. Yes.

15 ANTHONY CARMONA: Good afternoon. The
16 name is Anthony Carmona. I've been working in the
17 sanitation industry for five years. I started my
18 first two years working at Viking Sanitation. They
19 are family-owned company. I was giving any-- when
20 I first started, I was told hop in the back of the
21 truck into the job. I wasn't given no safety care
22 or safety equipment. I wasn't given any training
23 of how to properly hold on to the back of the
24 truck. I was given anything that I needed to do to
25 do my job. I wasn't given. A couple months past,

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2 almost a year, and a couple of the guys-- Well,
3 not a couple. Everybody in the company decided to
4 go union and we decided to go with 813 Teamsters.
5 So, when the boss find out that we was trying to
6 unionize, he started pulling each of us to the side
7 offering us money and false promises that he was
8 going to give us so that we don't go union on him.
9 What happened? It worked. We didn't go union.
10 What happened? He decided to cut my days because
11 he found out I was one of the main union
12 supporters. So I was given last pay, less days of
13 work, and, you know, that messes with somebody.
14 You know? You are used to working a certain
15 amount. Used to getting paid a certain amount.
16 You know, you want that every week constantly.
17 But, no. So, what happens now? I'm part of a 13
18 now. They fought for me to get me into Waste
19 Connections. I work for Waste Connections. I've
20 been working at Waste Connections. I get paid by
21 the hour for every hour I work. I've got full
22 benefits, pension, everything. You name it, I've
23 got it. I've even got a uniform. I've even got a
24 locker. They give me boots, gloves, every day--
25 anything I need to use to work, they give it to me.

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2 That's provided to me. That's the difference
3 between a nonunion company and the union company.
4 So, if I'm getting paid 24 dollars an hour, why
5 shouldn't everybody that does the same job I do get
6 paid the same? Right? Don't you agree? That's
7 all I have to say. I've got nothing else to say.

8 CHAIRPERSON REYNOSO: Thank you for your
9 testimony. And I think your testimony is core to
10 what we are trying to accomplish. Right? That
11 there is obviously, in your case, the Waste
12 Connections of the world that are taking care of
13 their workers and are doing good work and we want
14 them to be able to thrive in the city of New York.
15 And then we have companies like Viking, in this
16 case, that you had a completely different
17 experience. And I think we are doing a better job
18 as time has gone on, and being able to distinguish
19 between those that are doing the right thing and
20 those that are not. And I appreciate your
21 testimony in your statement and I'm glad you found
22 another job and that the Teamsters were able to
23 help you. And that waste connections was there.
24 So, thank you for your testimony.

25 ANTHONY CARMONA: Thank you.

2 TUK OYEWOLE: Good afternoon. Thank you
3 so much to the Council member Reynoso and to all
4 the advocates who have spoken today for this bill.
5 I'm testifying on behalf of the New York City
6 environmental justice alliance and my name is Dr.
7 Tuk Oyewole. Founded in 1991, we are a nonprofit
8 citywide membership network linking grass roots
9 organizations from low income neighborhood and
10 communities of color. And their fight for
11 environmental justice. For-- You know, for the
12 sake of time, I just want to say we are really
13 honored to have taken part in this fight for waste
14 reform and this is a really overdue overhaul of the
15 system and we think that all the benefits people
16 have said today and have been in the city's draft
17 environmental impact statement including vehicle
18 miles traveled and the resulting benefits to
19 greenhouse gas mitigation, air pollution
20 mitigation, and the benefits for equity in
21 environmental justice community are really timely
22 and prescient. We think of a few key changes to
23 the bill can still improve its efficacy from
24 climate environmental justice perspectives,
25 including adherence with environmental plans.

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2 Currently within the bill, carders must comply with
3 the terms of some plans they submit in the RFP
4 process, including waste reduction plan, health and
5 safety plan, and customer service plan. However,
6 they are not required to comply with the waste
7 management greenhouse gas reduction, or air
8 pollution reduction plans. The bill, as drafted,
9 doesn't currently mandate that carding companies
10 submit plans to reduce particulate or greenhouse
11 gas emissions, but legislate submission of these
12 plans is more of an option, you know, if they have
13 the plans. We request that these are required
14 criteria with which carding companies must comply,
15 appropriately addressing the urgency and gravity of
16 our climate crisis and environmental safety.
17 Prioritization of facility oversight. So, the same
18 level of oversight for carders must apply to
19 facilities handling waste within this bill,
20 including, at the very least, their adherence with
21 local, state, and federal laws. Poor facility
22 operations are a large part of the burden in
23 environmental justice communities phase, on top of
24 the disproportionate amount of waste that is routed
25 to them. And so, we can't leave regulating this

2 aspect of the waste system for leader because it
3 has already been too long. Increased waste
4 diversion from landfill, we are pleased the bill
5 requires Carter's submission of waste reduction
6 plans. And, to strengthen this, we think it's
7 imperative for the bill to advance very rigorous
8 waste reduction targets in line with one NYC goals
9 of zero waste by 2030. I want to uplift that this
10 would provide further benefits for overburdened New
11 York communities and downstream EJ communities in
12 New York, New Jersey, and other states receiving
13 waste from our transfer stations. We can't
14 continue to safeguard inefficient business
15 practices at the expense of areas of the planet
16 that have effectively been deemed disposable. And
17 this vein, this bill, has the opportunity to uplift
18 businesses that are innovatively tackling our
19 egregious waste generation and the climate crisis
20 by prioritizing waste reduction and reuse. These
21 businesses include the zero or low omission waste
22 micro haulers who provide employment to young
23 people, people of color, and women. They must be
24 allowed to scale up sustainable practices such as
25 composting by increasing infrastructure dedicated

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2 to their work and including higher tonnage
3 allowances in the bill. Regulation of
4 subcontracting, as well as increased public
5 reporting so that meaningful regular public
6 involvement can be part of this process.

7 CHAIRPERSON REYNOSO: Doctor, can you--
8 Can you just wrap it up and will definitely have
9 your testimony and you are part of the coalition,
10 so we are more than happy to keep hearing your
11 concern.

12 TUK OYEWOLE: Yes. Thank you so much.
13 Those were the last points. Then you have my
14 testimony. Thank you for your work.

15 CHAIRPERSON REYNOSO: Thank you. And I
16 just want to-- for news, if you haven't heard, the
17 Supreme Court just checked on the citizenship
18 question. They're going to send it back to the
19 lower court, so they won't add the citizenship
20 question to the senses, which is a big deal for our
21 community. So-- So, for New York, it's going to
22 be big. So, sorry. I just wanted to drop that in
23 there. Go ahead.

24 ERIC MCCLURE: Chair Reynoso, Council
25 members Chin and Deutsch, thank you for the

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2 opportunity to testify today. My name is Eric
3 McClure. I'm the executive director of Streets
4 PAC. We are a political action committee that
5 advocates for safe streets policies and, as such,
6 we support the passage of intro 1574. An exclusive
7 waste zone program will lead to the largest
8 possible reduction in vehicle miles traveled by
9 commercial waste haulers, reducing overall VMT by
10 approximately 60 percent, versus the current non-
11 zone system. As the Department of sanitation
12 stated earlier today, that would be a reduction of
13 some 18 million miles traveled annually. This is
14 critically important from the standpoint of safety,
15 since drivers of commercial waste vehicles have
16 killed more than two dozen people on New York
17 City's streets on just the past five years. The
18 current system in which different carding companies
19 drive routes that can crisscross the entire city
20 leads to some of the most reckless driving
21 behaviors one can imagine. Blatant running of red
22 lights, wrong way operation, backing up through
23 intersections, and hazardous speeding. Anyone who
24 has walked a street late at night in New York City
25 has witnessed this firsthand. Private sanitation

2 drivers don't set out to be a menace. That type of
3 driving behavior is fed by the current
4 dysfunctional system in which overworked cruise
5 zigzag across the city and a nightly race to
6 complete their haphazard disjointed routes
7 frequently working 12 or 14 hour shifts. An
8 exclusive zone system will greatly rationalize this
9 current dangerous mess. Moreover, the reduction in
10 VMT will be even more pronounced in the densest
11 parts of the city. An exclusive zone and plan will
12 reduce VMT in Midtown Manhattan by more than half,
13 versus a nonexclusive multi-hauler arrangement.
14 There are a number of other reasons to support this
15 legislation. Air quality, greenhouse gases, noise.
16 But were here today to support the bill because of
17 what it will mean for the safety of New York
18 citizens and preserving life and limb. Thanks very
19 much.

20 CHAIRPERSON REYNOSO: Thank you for your
21 testimony, Eric. Ron, are you on the right panel?

22 RON BERGAMINI: I don't know.

23 [Laughter]

24 RON BERGAMINI: But here I am.

25 CHAIRPERSON REYNOSO: Go ahead.

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2 RON BERGAMINI: So--

3 CHAIRPERSON REYNOSO: Go ahead. Go
4 ahead.

5 RON BERGAMINI: Better be on a panel.
6 Right?

7 CHAIRPERSON REYNOSO: A panel is good
8 enough.

9 RON BERGAMINI: So, thanks and I'll try
10 not to repeat, as you asked earlier. My name is
11 Ron Bergamini. I am the CEO of Action
12 Environmental Group, the parent company of Action
13 Carting. Thank you, Chairman, for the opportunity
14 to be here, and other members. You heard it
15 mentioned earlier that this is, arguably-- I think
16 it is-- the most substantial change in solid waste
17 laws, really, in the history of New York and I
18 realized today is a bit of a hectic day. I'd urge
19 maybe another hearing or two to tackle some of
20 these things. This is a very difficult business
21 and the men and women who work, and are mostly men,
22 at night digging up the truck, it's a-- driving
23 the trucks and picking up the trash, it's very
24 stressful. And we have been advocating improving
25 standards for a long time. We're not completely

2 convinced that the only way to do that is through
3 zoning. However, if we are going to go that
4 option, we believe that this single hauler player
5 is the better option. I've heard some talk about
6 low costs. While, as the goals simply low costs or
7 is it policy? And improving things like the
8 environment and worker conditions and standards?
9 No one wants to get on the airplane if the parts
10 are purchased by the lowest cost. We can open up
11 fresh kills if we want to really bring the rates
12 down. It has to be more than that. And when you
13 think about the single player, the things you could
14 do it so one call system from street fairs,
15 parades. My favorite fund one news no garbage
16 trucks in the Midtown on Wednesdays for matinee
17 day. You could do that if you have the whole zone.
18 Now, for those who bring up a good point about
19 service, particularly some of the larger players,
20 what I would urge the Council or DSNY to do in the
21 RFP-- understand what those are. What are the
22 specific concerns you have and anyone who was going
23 to bid has to be able to show that they can address
24 those concerns. The last thing would be pricing.
25 And there's a handful of things, but pricing in

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2 particular, I think it means to be more like a San
3 Francisco or Seattle with a pricing menu as opposed
4 to just one price. That will have a-- That will
5 be the most transparent system and we will have
6 two, periodically, review this. I understand
7 people want to have lower prices for recycling, but
8 right now the recycling market is in a state of
9 chaotic upside down this. I don't know what you
10 want to call it. It might not happen frequently,
11 but it does happen. So, were proud to be part of
12 these discussions. We want to continue to be part
13 of them. And let's not forget the-- and many of
14 them are here-- the very hard-working people in
15 this industry. They deserve all of our thanks.
16 And thank you.

17 CHAIRPERSON REYNOSO: Thank you, Ron.
18 And I just want to-- Two things for you. The-- I
19 hear of the-- when the recycling rates change and
20 it makes it harder for folks to sell their product
21 or--

22 RON BERGAMINI: Right.

23 CHAIRPERSON REYNOSO: export. I
24 understand there might have to be some
25 conversations not to lock you into a place where

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2 it's just you can't make it happen. I think
3 there's certain ways to do that.

4 RON BERGAMINI: There are.

5 CHAIRPERSON REYNOSO: In some cases we
6 don't necessarily need to put the burden on the
7 business for back, but we should-- That's
8 something we're going to talk about.

9 RON BERGAMINI: Right.

10 CHAIRPERSON REYNOSO: I wanted to ask
11 you a question that Council member Vallone asked
12 before when you might've been here, but he--

13 RON BERGAMINI: I was here.

14 CHAIRPERSON REYNOSO: is not here. His
15 language access. He says that a lot of the
16 businesses, especially in and around his community
17 are extremely diverse and they have relationships
18 with carders that they've been able to speak the
19 language with them. In your case, as the Carter,
20 how do you navigate somebody that is in a Chinese
21 speaking community or somebody that is in a
22 Spanish-speaking community? How is it that you
23 navigate and ensure that you are able to inform
24 people the right way about what you are providing?

25

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2 RON BERGAMINI: Right. First, the
3 notion that New Yorkers don't know how to negotiate
4 is just crazy. They all do, I assure you. We
5 have-- In our case, we have several people who
6 speak Spanish and then we have two women in
7 particular. They speak Chinese to deal with those
8 customers, because there is a big and a population.
9 We don't have people that speak Greek, frankly. I
10 haven't heard of that being a big issue, but we are
11 certainly sensitive to some of the languages and I
12 think that's something that can be overcome.

13 CHAIRPERSON REYNOSO: Yeah people I
14 think is you want the business, you'll find
15 somebody--

16 RON BERGAMINI: Right.

17 CHAIRPERSON REYNOSO: that can speak the
18 language.

19 RON BERGAMINI: And just one final
20 point on the recycling that you mentioned. All
21 expenses go up for businesses. That's common,
22 right? Two percent. Three percent. The recycling
23 isn't a matter of the price is changing by a few
24 percents. The market is disappeared. That's a far

25

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2 more fundamental change and people need to be aware
3 of that. Thank you.

4 CHAIRPERSON REYNOSO: Yes. All right.
5 Thank you. Thank you, Ron. You moved to the
6 middle.

7 RON BERGAMINI: Sorry.

8 That's okay. Is this thing on? Okay.
9 Thank you so much for having us here. I want to
10 think Council member Antonio. I believe that this
11 country, were kind of in a period where the tide is
12 coming, right? And we have to make a choice. We
13 have to stand on the right side of history. And I
14 want to make-- I want to bring it back to basics
15 because I think that this legislation, at its core,
16 is trying to address racial, economic, and climate
17 and environmental injustices that communities of
18 color have suffered for far too long. This isn't
19 just about reforming an industry and figuring out
20 which route. All the technical stuff we can figure
21 out. This says about workers like Mouctar Diallo
22 who died. This is about workers from Sanitation
23 Salvage who are getting paid-- who were getting
24 paid three dollars and 81 cents per hour. That is
25 outrageous. None of us can survive on 15 dollars

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2 an hour, so when we talk about the minimum wage, we
3 really need to be talking about an actual living
4 wage here in New York City. I want to talk about
5 that this is an immigrant justice issue and not
6 because it's mostly Latino, it's mostly black
7 immigrants working in this industry. I want to
8 talk about-- I want to talk about Valeria and I
9 want to talk about Oscar and I want to talk about
10 the crisis that we are facing and that we have to
11 do everything in our hands and in our power to stop
12 this climate crisis. People are crossing the
13 border because we have a climate crisis on our
14 hands. This is an issue. This is a way for us to
15 start addressing these issues and I wonder when my
16 kids grow up, are they going to ask me did you do
17 everything possible to mitigate this crisis?
18 Because the chances are that most of the owners of
19 the carters that are here, you know, they're kind
20 of on their way out. And where not-- they're not
21 going to be the worst of-- they are not going to
22 see the worst of the climate change crisis. Our
23 kids are. And so, when the differences between 50
24 percent mile reduction and 65 or 70 mile reduction,
25 I want us to go to the seven day because we are

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2 worth it. Because we need to fight for our kids.
3 We need to fight for our future. We have so much
4 wrong's to right in this legislation is one of the
5 many pieces that we can start doing here in New
6 York City. We have to stand on the right side of
7 history and that's not easy. It's not easy to tell
8 small businesses you may have to pay a little bit
9 more. But guess what? In 40 years, we won't be
10 here. Thank you all so much.

11 [Applause]

12 CHAIRPERSON REYNOSO: Thank you for your
13 testimony. Thank you to the panel. I really
14 appreciate it. And we always said that saving our
15 environment has a price and it's a price we have to
16 pay and that's something that I've always fought
17 for, so I really appreciate your testimony. So,
18 now, the Sergeant-at-arms are going to ask us to
19 move over to the next room so that we can
20 transition--

21 ANTHONY CARONA: [interposing] Excuse
22 me.

23 CHAIRPERSON REYNOSO: allow for--

24 ANTHONY CARONA: Can I just say one more
25 thing? Excuse me? Council member.

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2 CHAIRPERSON REYNOSO: Who is-- Oh. I'm
3 s--

4 ANTHONY CARONA: Can I just say one
5 thing?

6 CHAIRPERSON REYNOSO: Yeah.

7 ANTHONY CARONA: Events talk about
8 safety and, you know, efficiency. My company Waste
9 Connections just went the month of May without a
10 single incident. If that's not safety, I don't
11 know what is and we're doing it again this month.
12 So, you guys sought safety? That's how you do it.

13 CHAIRPERSON REYNOSO: You're with the
14 right companies. Thank you. Thank you for that.

15 [Background comments]

16 SERGEANT-AT-ARMS: This is a sound
17 check for the continuation of sanitation and solid
18 waste management previously taking place in the
19 Council Chambers moved to the committee room being
20 recorded by Israel Martinez June 27th, 2019 and
21 that is about it.

22 CHAIRPERSON REYNOSO: Can we get
23 Kathleen Riley. His Kathleen Riley here? I'll
24 take this. Reginald Bowman. Reginald Bowman.
25 Okay. Reginald Bowman. Mark Dikas. Mark. Sorry.

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2 Thank you. Anna Champini or Shampeni. Thank you.

3 And Steve Leon. Okay. Sorry about that. So this
4 is all-- okay. Thank you for being here. I guess
5 we will start from right to left. So, Nelson, and
6 you want to go head and start? . So I just want
7 to say we are resuming the meeting. The solid
8 waste and sanitation committee. Nelson.

9 NELSON EUSEBIO: Thank you. It was good
10 morning, but good afternoon. I want to thank the
11 Chairman Reynoso and the rest of the committee
12 members for the opportunity to testify before you
13 today. My name Nelson Eusebio. I'm the director
14 of government relations for the National
15 Supermarket Association. NSA is a trade
16 association that represents the interests of
17 independent supermarket known as in New York. I am
18 here today to testify in regards to introduction
19 1574, which establishes commercial waves disowns
20 and requires the Department of sanitation to enter
21 into an exclusive agreement with private carters to
22 operate in each zone. The bill, as written, will
23 have a tremendous impact on small business, such as
24 supermarkets then only-- that rely on commercial
25 carters to remove all garbage. Many of our members

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2 have had long-standing relationships with these
3 carters and, by establishing waste zones with one
4 exclusive vendor, the bill is extremely-- it's
5 creating a monopoly in which, of the waste zones,
6 our members have enjoyed the benefits of long-term
7 working relationships with their caterers through
8 these continued rules, flexible payment schedules,
9 and reliable consistent service. We are concerned
10 that an exclusive one vendor's system would lead to
11 a decrease in service and an increase in costs. By
12 removing the free market aspect of business, the
13 bill will force small business into a system where
14 they have no bargaining power for wastes known
15 systems to work in New York City. There has to be
16 more than one vendor in each zone. While we do not
17 support any zone system, if we had to [inaudible
18 00:02:58] and such in order to protect the
19 business, we would propose a system where there are
20 at least five vendors in each system so that small
21 business had the ability to choose between
22 different providers. We also believe that the
23 business has the ability-- to have the ability to
24 terminate an agreement at will. Forcing the
25 business to remain in agreement with a commercial

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2 caterer who may not meet their needs or
3 requirements would add additional cost and result
4 in price increase. We would also like to see the
5 bill amendment to include a provision which
6 requires DSNY to replace a vendor if one commercial
7 carter is in a zone is inadequate for another
8 company or goes out of business. It is imperative
9 that there is a continuous opportunity for small
10 business to choose between carters in the city.
11 Should be committed to keeping the number of
12 vendors to five and each zone. Thank you for this
13 opportunity.

14 CHAIRPERSON REYNOSO: Thank you, Nelson.
15 Thank you.

16 ANNA CHAMPENI: Thank you. My name is
17 Anna Champeni and I'm the director of city studies
18 at the Citizens Budget Commissions. CBC is a
19 nonpartisan nonprofit think tank that promotes
20 constructive change in the finances and services of
21 New York City and state governments. Thank you for
22 the opportunity to testify. CBC strongly supports
23 the establishment of commercial waste zones in New
24 York City. CBC's 2014 report documented the
25 inefficiency of the current system and recommended

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2 a nonexclusive zone model. Establishing commercial
3 waste zones can increase efficiency and collection,
4 achieve substantial vehicle miles traveled
5 reduction, and reduce the negative externalities
6 imposed by long duplicative routes by having fewer
7 carters serve more customers within contiguous
8 routes. Zones. I'm sorry. In addition, shifting
9 to assist him in which the city contracts with
10 commercial carters allows the city to implement
11 standards for vehicle omissions, safety, and
12 training, labor standards, recycling, and other
13 policy objectives through contract requirements.
14 CBC supports nonexclusive zones with 3 to 5 carters
15 for the following four reasons. First of all,
16 zones provide-- it's the shift to zoning that
17 provides the substantial VMT reductions. Going
18 from the current system to a zoned model would
19 produce a 50 percent reduction in vehicle miles
20 traveled. Exclusive zone model provides only a
21 limited benefit over the nonexclusive zone in terms
22 of vehicle miles traveled, as we have heard, and
23 eight percentage point increase. However, non---
24 sorry. Nonexclusive zones would retain customer
25 choice and performance incentives. While a system

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2 of exclusive zones would involve multiple carters
3 competing for the city's contract, it would end a
4 customer's opportunity to negotiate with and select
5 a waste carter. Once a carter has been exclusively
6 awarded a zone, there is limited additional
7 incentive for them to reduce costs or improve
8 service. As the only service provider in a zone,
9 an exclusive carter would set pricing in accordance
10 with his contract bid and there would be no reason
11 for the Carter to charge less. And a nonexclusive
12 zone model, carters compete not only to be awarded
13 the contract, but also with other carters in the
14 zone for customers. This maintains incentives to
15 keep costs down and deliver high quality services
16 that are available in competitive markets. And,
17 lastly, exclusive zones present a fiscal risk to
18 the city if a carter fails to deliver. If a
19 contracted carter fails to perform collection
20 services as required or falls short of customer
21 expectations, customers cannot shift business is to
22 another carter in an exclusive zone. While DSNY
23 will have oversight responsibility and enforcement
24 capability, DSNY is unlikely to exercise the most
25 severe enforcement to a contract termination

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2 because that would require the department of
3 sanitation to procure a new contract rapidly and to
4 serve as the interim carter. Having DSNY be the
5 default provider in an exclusive zone model is
6 potentially costly for the city. Collection by
7 DSNY would cost more than collection by private
8 carters, as DSNY collection costs on average are
9 twice that of the private sector. An additional
10 commercial collection by DSNY would likely be done
11 on over time, further increasing the costs. The
12 carding fees paid by businesses would be
13 insufficient to cover the city's cost and the city
14 would need to seek reimbursement either from the
15 carter or, more likely, the taxpayers would be
16 picking up the cost. The implementation-- Another
17 point that we might to make is that implementation
18 provides an opportunity for the city and the
19 industry to keep track of efficiency gains,
20 environmental benefits, and customer service. The
21 potential variation in the number of carters per
22 zone provides further opportunity to refine the
23 model in the future. The city's request for
24 proposal should include detailed performance
25 metrics to be tracked and made publicly available

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2 so that there can be a robust evaluation of the
3 commercial waste zone program that informs DSNY
4 oversight and modifications to the program and
5 future bidding. Thank you for the opportunity to
6 testify.

7 CHAIRPERSON REYNOSO: Thank you for your
8 testimony.

9 MARK DIKAS: Good afternoon, Chairman
10 Reynoso and members of the sanitation committee.
11 My name is Mark Dikas. On my executive director of
12 the Soho Broadway Initiative. We are the not-for-
13 profit that manages the neighborhood improvement
14 District, also known as a business improvement
15 District and so how. We represent a mixed-use
16 community. Residents, businesses, commercial
17 property owners along Broadway from Houston to
18 Canal. I think this is the nonexclusive zone
19 panel. I'm not going to repeat the arguments that
20 have been made by the previous testimony. We think
21 the nonexclusive approach that DSNY is proposing
22 should be the proposal that we are urging the city
23 Council to move forward with. The initiative is
24 joining a coalition of 10 other improvement
25 districts in Manhattan and urging Council to do

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2 that. We think competition does a lot of good
3 thing in this area while also meeting the zero ways
4 goals of the city. Competition provides
5 flexibility, customer choice, which keeps prices
6 down. It helps keep accountability within the
7 system and also helps keep-- which will help keep
8 neighborhoods cleaner. In Soho, we have commercial
9 buildings right next to residential buildings, so
10 reducing the number of trucks coming in overnight
11 would be a huge reduction. I think, you know,
12 we've heard, you know, upwards of 50 percent
13 reduction through the DSNY proposal. We think
14 those are all really good things. Additionally,
15 you know, we ask that the Council-- that the
16 proposed legislation includes flexibility to allow
17 BIDs, business improvement districts, to explore
18 further commercial waste management and innovations
19 that support the cities zero ways goals walls so
20 addressing some of the local challenges that
21 communities face. That's what BID's are formed to
22 do. These renovations might include ways to
23 further consolidate waste for more efficient
24 collection and introduce new technologies to
25 further reduce submissions or other changes that

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2 might increase the diversion of recyclable and
3 compostable material from our landfills. I can
4 give you an example of the program that we started
5 that diverted over a ton of household food scraps
6 just over one year with a small reused newspaper
7 box. That something that we did and we're going to
8 expand that program and I think that's an area
9 where BIDs can be helpful in the future. Thank
10 you.

11 CHAIRPERSON REYNOSO: Thank you for your
12 testimony.

13 OKSANA REYES: Hello. Good afternoon,
14 Chairman Reynoso and Council members. My name is
15 Oksana Reyes and I'm here on behalf of Lisa Sorin,
16 president of the Bronx Chamber of Commerce and its
17 members. Thank you for the opportunity to address
18 you today regarding this bill, 1574 and the harm it
19 may bring to the business, specifically the small
20 businesses of our borough. This bill, which would
21 take just one company to provide service to each of
22 20 zones has a possibility of creating more harm
23 for the local economy than it does benefit. By
24 creating monopolized zones with minimum opportunity
25 for business is to decide what is in their best

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2 interest. As someone who has worked with small
3 businesses and Bronx businesses, I feel that
4 reestablishing monopoly zones garbage collection
5 will push price high and take away choice. I feel
6 that this bill has the potential to put small,
7 multi-generational businesses and their hundreds of
8 workers out of service. In 1996, the Trade Waste
9 Act, championed by Mayor Giuliani was adopted in
10 response to a 114 count indictment of waste
11 industry leaders, many with ties to organized
12 crime. A new agency was created to oversee the
13 private carting industry, establish tougher
14 standards, and of the act the remaining remnants of
15 mob companies. Yeah. I'm sorry. Influence.
16 After this, there was a new era of competition
17 among mostly local companies that manage waste from
18 more than 100,000 businesses. No. Hundred
19 thousands. I'm sorry. Businesses is now fewer
20 than 50 with 20 capable well-run companies
21 providing 85 percent of the service, customized to
22 meet the needs of the city's vast array of
23 customers under the watchful eye of the Business
24 Integrity Commission. This bill would upset this
25 progress by severely reducing the number of

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2 companies picked to serve the city. The bill would
3 establish waste collection and limited zones, each
4 of which with just one hauler picked to service it
5 with 10 year contracts that could easily turn into
6 50. Can we honestly say that the fewer than 50
7 remaining companies can fairly compete with the big
8 companies for the zones? They can't. The city
9 should maintain the current open market system with
10 its benefits into the hard work of updating old
11 regulations in collaboration with industry and
12 business stakeholders to reflect the city's new
13 goals. Intro 996, proposed by Council member
14 Robert Cornegy, is a constructive alternative that
15 is endorsed by the business community and the way
16 services industry. It tackles the city's new goal
17 by improving existing open market system. Overall,
18 intro 996 offers the framework to bring together
19 various stakeholders in the city to shape ideas and
20 improve efficiency, environmental outcomes, with
21 the risk of industry, distraction, and customer
22 chaos of the proposal we are discussing here today.
23 Council members, we at the Bronx Chamber of
24 Commerce respectfully request you look over what
25 you are proposing and realize that you are going

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2 back to the good old days is not a solution. Thank
3 you for your time.

4 STEPHEN LEONE: Thank you. Good
5 afternoon. Hi. My name is Stephen Leone. I am
6 president of Industrial Carting. I am here today
7 representing the 25 employees, most of whom are
8 people of color and second chance workers of a 90-
9 year-old third-generation business. My cat
10 business Integrity Commission license number is 22,
11 which is of no great significance other than the
12 fact that it may be the lowest number currently in
13 operation. Daily, my business operates in a
14 dynamic environment in which fluctuations in the
15 price of a barrel of oil, foreign exchange rates,
16 and international trade policy directly impact
17 customer service and pricing. I routinely compete
18 with and succeed against competitors that are five,
19 10, 20, and 50 times my size. Intro 1574 allows
20 for neither of these two occur. It creates a
21 static environment unable to adjust to fluctuating
22 factors and flat out eliminates competition.
23 Business trade groups are fearful of the
24 devastating impact this loss of competition will
25 have on service and pricing. And they're correct.

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2 Rather than creating a competitive environment, if
3 enacted, intro 1574 will create a competition to
4 see which two or three waste companies have the
5 best financial wherewithal to survive the duration
6 of an initial bid term. Thereafter, no competitors
7 will be in place to prevent them from controlling
8 the city in perpetuity. As members of this
9 committee, your fellow council members rely upon
10 your guidance to act prudently. Understanding the
11 impacts to customer service and pricing and the
12 small business community should be the highest
13 priority before considering a measure with impacts
14 like this. Intro 1574 lacks the necessary
15 documentation and evidence to support its many
16 claims. In closing, I referred to the Business
17 Integrity Commission approved contract for removal
18 of nonhazardous trade waste which is available on
19 its website. A pink ends with a bold print
20 uppercase message from the Business Integrity
21 Commission to every customer and contains the
22 following language. Quote, the commission suggests
23 that you see competitive bids from at least four
24 different carting companies before signing a
25 contract like this one, end quote. This seems

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2 important. Under intro 1574, it will no longer be
3 possible. I'd just like to add one unfair thing.
4 You know, the hearing today has gone on for quite a
5 length of time and when something like that
6 happens, you sent next to all different types of
7 people and you make new connections and new friends
8 and I sat next to someone who testified earlier.
9 The gentleman from San Francisco and you guys were
10 speaking with him earlier, as well as the gentleman
11 from Oakland. I urge the Council, the committee,
12 rather, to really find out from these folks what
13 the costs are in these other cities have
14 franchising because I can assure you they are
15 multiples more than one the small business and
16 large business community of New York is currently
17 paying. So, please do that. Thank you.

18 CHAIRPERSON REYNOSO: And I just want
19 to-- Specifically your comments, you may mention
20 to the fact that there is no information or data to
21 substantiate the piece of legislation that we are
22 hearing today when we actually have significant
23 data and information that the Department of
24 sanitation went through for two years with an
25 advisory committee and then moving forward with

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2 this study, specifically and argue that what we're
3 trying to do here makes sense and works. But then
4 you then go on to make a statement asking us to do
5 more research related to what's happening in
6 California and claimed that the prices can double
7 or go up, which I want to be clear, is not days
8 study, but nothing else other than an anecdote.
9 So, it's like if you're going to come and say that
10 the work that we are doing is not substantiated--
11 which I disagree-- we have countless information
12 and if you want it, we can give you all the raw
13 data of what they have received and can give you
14 your own book and information regarding ways
15 zoning. But don't claim that we didn't do our
16 research and we didn't do our work. That's what I
17 want to make sure that we communicate. We can have
18 a conversation on policy, but we're not going to
19 have conversations on facts and data, which we do
20 have.

21 STEPHEN LEONE: The facts are that
22 those documents support the DSNY nonexclusive plan.

23 CHAIRPERSON REYNOSO: Right. So that's
24 a conversation to have. I agree with that. I
25 think the claim-- I thought the claim you were

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2 making was that the zoning system in general was a
3 concern for you. But if you're making a claim
4 regarding multiple zones or exclusive zones, led to
5 a different conversation.

6 STEPHEN LEONE: The documentation
7 provided by the Department of sanitation supports a
8 plan that is not 1574. That's--

9 CHAIRPERSON REYNOSO: So, two things.
10 That's not true. DSNY chose the nonexclusive plan
11 is the preferred plan that they would like to play
12 out, but the study did study an exclusive zoning
13 system, as well, and it shows that in that study
14 there is been actually vehicle miles traveled would
15 be reduced even more extensively than the plan that
16 they chose. So I just want to be clear. There is
17 data that supports both points and you can make
18 either or, but to say that the legislation that we
19 presented is not based on fact, the data is just
20 incorrect-- DSNY chose a different path using the
21 information they had, then I did, but still. Same
22 information. Same data. I want to be clear. Same
23 information. The study, if you read it, speaks to
24 an exclusive zone, as well. And they said, out of

25

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2 the two-- between an exclusive and a nonexclusive,
3 they think that nonexclusive is the best way to go.

4 STEPHEN LEONE: So, which data is
5 supporting 1574?

6 CHAIRPERSON REYNOSO: The same data
7 that--

8 STEPHEN LEONE: The studies that show
9 how many zones there should be, how many
10 competitors there should be per zone--

11 CHAIRPERSON REYNOSO: Yes.

12 STEPHEN LEONE: Where's the-- Where--

13 CHAIRPERSON REYNOSO: That's the same
14 study.

15 STEPHEN LEONE: that documentation?

16 CHAIRPERSON REYNOSO: The same exact
17 study makes a case for both. For both. And DSNY
18 chose the one and I chose another. So, that's what
19 I'm saying. We chose two cases that were made with
20 the same data.

21 STEPHEN LEONE: Okay. In response to
22 your question regarding the rates in San Francisco
23 and other locales-- regarding San Francisco, the
24 gentleman from San Francisco and I had a lively
25

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2 conversation. We just-- I just learned that it
3 cost 68 dollars a cubic yard.

4 [Background comments]

5 STEPHEN LEONE: I'm sorry. Do you--

6 CHAIRPERSON REYNOSO: I guess the point
7 that I'm trying to make here with the information
8 here is that a lot of people are going to throw out
9 information that is anecdotal and, literally, back
10 of the paper, back of the napkin conversations. If
11 you are going to do that, you can't question the
12 information the data is given to you by the
13 Department of sanitation is what I'm saying. So,
14 what happened and Cali, the guy came in here to
15 specifically talk about how he thought it was a
16 successful program, but out of that you're going to
17 extract that the one piece--

18 STEPHEN LEONE: I'm not-- I'm not
19 extracting anything.

20 CHAIRPERSON REYNOSO: of-- Wait. Of
21 anecdotal conversation that you had with him on the
22 side about the pricing and where it's at. We're
23 going to do-- we've done all the research that
24 we've done to substantiate what we are saying. We
25 are not going to allow for your conversation on the

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2 side in a carrying over two minutes with somebody
3 that dictate whether or not the plan makes sense or
4 doesn't. I'm just saying, factually, for you to
5 come with, literally, something that you row on a
6 piece of paper to this claim--

7 STEPHEN LEONE: [interposing] So, when
8 I say that the rates in these other cities are
9 multiples more than the average rate in New York
10 City--

11 CHAIRPERSON REYNOSO: Right.

12 STEPHEN LEONE: And then you question
13 me and then I take--

14 CHAIRPERSON REYNOSO: [interposing] I
15 didn't question you.

16 STEPHEN LEONE: the paper that--

17 CHAIRPERSON REYNOSO: I didn't question
18 you. You questioned my--

19 STEPHEN LEONE: That's exactly what you
20 did.

21 CHAIRPERSON REYNOSO: data and I told
22 you my data is stronger than yours. And another
23 thing is--

24 STEPHEN LEONE: Disagree, then.

25

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2 CHAIRPERSON REYNOSO: Sure. That's
3 perfectly fine. I'm cool with you agreeing with
4 disagreeing. That I accept. But I did want to ask
5 the small businesses-- and I know that IPO had
6 something that is supporting the zoning system, but
7 also had-- I mean--

8 [background comments]

9 CHAIRPERSON REYNOSO: Sorry. Almost the
10 same thing.

11 [Background comments]

12 CHAIRPERSON REYNOSO: Sorry. But I
13 think yours is also the nonexclusive/exclusive zone
14 conversation. But I guess what part of what we
15 are-- and I think this is for the small business
16 conversation is that we are trying to accomplish
17 certain goals. Vehicles mile traveled,
18 specifically in the Bronx who has one of the most
19 environmental justice communities and all of the
20 city. Reducing vehicle miles traveled, addressing
21 environmental issues, dealing with climate change
22 in a meaningful way, workers being able to have--
23 being safe. Be able to have-- get paid at least
24 the minimum wage. These type of things that we are
25 trying to achieve are almost impossible to do

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2 without having some way to hold the companies
3 accountable and ensuring that the good companies
4 get the work. So, what I would say is that, yes.
5 I would like to ask businesses, when you go into
6 your contracts, are you asking your carders, hey,
7 how well do you recycle? Are you asking your
8 carters are your trucks new? I want to make sure
9 that they are, you know, newer than 2007 to ensure
10 that they are not spewing chemicals on our streets.
11 Are you asking, hey, are your workers getting paid
12 a fair wage? Are your workers getting paid minimum
13 wage? Do you have off the book workers? Those are
14 not ca-- I believe those are not generally the
15 conversations small business is having with the
16 carter. I think the question that the carter--
17 that the small business is asking the carter is how
18 much? This is how much it is. Thank you very
19 much. Sign the paper and they do the work. What
20 we're trying to say is that we want to insert
21 ourselves to allow to deal with others social,
22 economic issues that speak to the type of sanity
23 that we want to be. And, in doing so, you're
24 right. That-- I don't disagree that the price
25 isn't going to go up, necessarily. But I guess

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2 what I'm saying is that's what we're trying to
3 achieve. And it's a balance on how we get that
4 done. So I don't want you to think that we are
5 specifically targeting businesses and that is
6 something that we want to do. Our goal here is to
7 achieve other things while having, again, the most
8 help for these issues that we want to take care of
9 with the least amount of harm to small businesses
10 like yours. So, I want to-- I've never met with
11 you yet. I want to make sure we can do that and we
12 can engage because I want to be able to present
13 something to you so that you can see what our goals
14 are and that they are not antibusiness goals. They
15 are anti-bad carter goals. And that's what we are
16 trying to work towards. So, I really appreciate
17 this panel. I heard you loud and clear and,
18 remember, this is-- we're not out to get
19 businesses. If we can do this without affecting
20 them pricewise, it's definitely something that we
21 are going to do. Thank you for your time today and
22 for your testimony. Andy Moss. Damon Caneda.

23 [Background comments]

24 CHAIRPERSON REYNOSO: Buchanan. Justin
25 Wood. Fernando Ortiz and Eric Goldstein. All

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2 right. Eric, were going to start with you, as well
3 and we are going to move down this way.

4 ERIC GOLDSTEIN: Thank you. Good
5 afternoon Mr. Chairman. Eric Goldstein from the
6 Natural Resource Defense Council. I'm going to
7 summarize and depart from my written testimony,
8 which I ask be included in the record. As you well
9 know, the current system for commercial waste
10 collection in New York City is completely broken.
11 This is a system that does not need small
12 adjustments. It needs, instead, a complete,
13 carefully top to bottom remake and that's exactly
14 what your legislation, intro 1574, would do. In my
15 written testimony, I detailed the multiple public
16 health benefits that would come from the
17 establishment of an exclusive zone system. First,
18 and will/ground-level air pollution emissions in
19 every neighborhood in New York City. Official city
20 reports revealed that the circuitous duplicative
21 irrational routing of the current system results in
22 as much as 23 million miles a year of diesel truck
23 traffic. 23 million miles. An exclusive waste
24 zone system, as intro 1574 would too, can/this
25 truck traffic, not just by half, but, if it's

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2 exclusive, it could be even greater reductions. Up
3 to 60 or even 70 percent. This means lower
4 discharges of particulates, nitrogen oxides,
5 volatile organic compounds, and, therefore, less
6 incidence of asthma and other lung problems and
7 neighborhoods in all five boroughs. In addition,
8 1574 will help curb global warming omissions, both
9 by cutting back on as much as 18 million miles a
10 year of diesel truck omissions and by creating an
11 incentive for sustainable disposal of food waste.
12 Food waste is a major contributor to methane
13 omissions from landfills. Landfills are the third-
14 largest source of methane omissions in the United
15 States. Although it's been 30 years since the
16 commercial carting industry and businesses in New
17 York City were required to recycle and calm pose,
18 their performance so far has been anemic and that
19 would change under this program. There is been
20 dust kicked up in the earlier part of the hearing.
21 I am going to quickly mention three points. First,
22 on jobs, studies show-- the city's own data shows
23 that there is an increase in overall jobs from an
24 exclusive zone system and needs will be good jobs.
25 Jobs with fair wages, payment on the books, worker

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3 protections. We want to preserve the memory of
4 Mouctar Diallo, not the working conditions he was
5 subject to. Second, on public participation, I
6 don't know where Congressman-- Council member
7 Deutsche was on this, but it's been an exhaustive
8 multi-year public process, include being almost
9 every industry representative that has testified
10 here today. And, finally, in response to the point
11 that the industry has evolved already, where is the
12 evidence of that? There is lots of talk, but the
13 accidents and the problems have continued. Look at
14 any of Kira Feldman's reports in Pro Publica if you
15 think the problem has already been solved.
16 Finally, and really finally, a word about change.
17 Change is not always easy. Change requires that
18 people make adjustments. Change has to be
19 carefully planned and sensitively implemented.
20 Often, those opposing change are people who are in
21 positions of power and who are benefiting or who
22 are profiting from this status quo. But in the
23 case of the commercial waste collection system,
24 this status quo is unacceptable. It's unfair to
25 workers. It's dangerous to the public. It's
disastrous for our planet. And so, change is

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2 necessary and, as San Cook's saying, it's been a
3 long time, made, but a change is going to come in
4 1574 is that change and we thank you for your
5 leadership.

6 CHAIRPERSON REYNOSO: Thank you, Eric.

7 DAMON BUCHANAN: Good afternoon. My
8 name is Damon Buchanan. I'm a helper at Five Star
9 Carting. I joined the company a year ago because I
10 wanted a job that would support my three cans. I
11 want to have a future in this industry and I am
12 studying for my CDL so I can be a driver. My
13 company is part of-- My company is part of taking
14 private carting industry forward. Five Star has
15 invested in new trucks and plans on continuing
16 raising standards with waste zones. This bill will
17 allow us to do our jobs more easily and safely. We
18 won't have to drive all over the city to complete
19 our route. One company will be responsible for
20 every block and every zone. We can raise recycling
21 rates, drive slower, and pollute less. We will
22 look more like city sanitation than the private
23 carting industry of yesteryear. Yesterday. And we
24 need it because sanitation is one of the most
25 dangerous jobs there is. We are working in the

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2 streets at night with heavy equipment. On top of
3 that, you never know what's in the bag of trash.
4 We need to be able to do our job safely and this
5 bill will let us do that. This can be a great job.
6 I love the adventure of working outside in meeting
7 all kinds of New Yorkers on my route. It is
8 fulfilling. We are making a positive contribution
9 to the community by keeping our neighborhoods
10 clean. Please vote yes on this bill. Thank you.

11 CHAIRPERSON REYNOSO: Thank you. You've
12 been working there for a year now?

13 DAMON BUCHANAN: Yes, sir.

14 CHAIRPERSON REYNOSO: It's been a good
15 experience?

16 DAMON BUCHANAN: Yes.

17 CHAIRPERSON REYNOSO: You feel like
18 you're getting equipment, training? How is your
19 experience being in the company?

20 DAMON BUCHANAN: Yeah. For the most
21 part. Just to give you some type of contexts, like
22 tonight I go to work tonight and I've got about 250
23 stops, so we want to get that amount of stops done at
24 night before the traffic picks up. So, I heard you
25 all mentioning about the zigzagging. So, I mean, to

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2 give it some balance, sometimes we have to go to the
3 other side of the street just to-- mind you, the row
4 is long. The streets are empty in the middle of the
5 night, so we can try to finish the route by the time
6 traffic picks up at rush hour about 5 o'clock. The
7 majority, or overwhelming majority of our work will
8 be done.

9 CHAIRPERSON REYNOSO: see that. In 250
10 is a better number than what we've heard in the past
11 about some carting companies, you know, putting 1000
12 businesses in some cases, which is serious. And I'm
13 happy to hear a member of Five Star being here.

14 DAMON BUCHANAN: Yes, sir.

15 CHAIRPERSON REYNOSO: It's a company that
16 I have had, you know, I would save my conversations
17 within the past that I want to see do better, so to
18 have you here means a lot. So, I appreciate you
19 being here and testifying. I really do.

20 DAMON BUCHANAN: Thank you.

21 CHAIRPERSON REYNOSO: Thank you.

22 DAMON BUCHANAN: You're welcome.

23 FERNANDO ORTIZ: Thank you. I had
24 longer testimony, but I'll keep it shorter. My
25 name is Fernando Ortiz and I represent the Point

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2 City Sea and the Hunts Point community in the South
3 Bronx. I'm just going to read some quick
4 statistics that I think are important to know.
5 Within Hunts Point, more than 20,000 trucks pass
6 through our community each day, 45 percent of which
7 are waste trucks. The air quality that we breathe
8 in the South Bronx is literally different than what
9 most communities in New York City breathe. Our air
10 is filled with not just greenhouse gases like
11 carbon dioxide, methane, nitrous oxide, and ozone,
12 we also have very large amounts of particulate
13 matter, carcinogens, PCB, and much more. Within
14 the Hunts point community, we rank among the
15 highest of PM 2.5 contaminants in the country.
16 Harmful particles that, as we know, enter our
17 respiratory system and contribute to illnesses such
18 as asthma and lung cancer. Within the South Bronx,
19 the national av-- sorry. The asthma rates in the
20 South Bronx are eight times the national average,
21 with one in four children in the South Bronx
22 suffering from asthma and 33 percent of children
23 hospitalizations occurring within the South Bronx.
24 And asthma death rates in the South Bronx are four
25 times higher than the national average. In the

3 South Bronx, studies have found that living in
4 close proximity to the noxious land uses is
5 associated with a 66 percent chance of being
6 hospitalized with asthma, 30 percent chance of
7 being low income, and a 14 percent chance of being
8 a person of color, which in our opinion is 100
9 percent unfair. The points EDC supports the New
10 York City exclusive commercial waste zones bill
11 because of the benefits it can provide for the
12 South Bronx and other environmental justice
13 communities throughout New York City. The
14 exclusive commercial waste zones will result in
15 significant reductions in air pollution, DH G
16 omissions, and noise by taking thousands of miles
17 of truck traffic off of New York City streets.
18 While the waste equity bill passed last year was
19 instrumental, we encourage exclusive waste zone
20 bills and we believe that the forthcoming
21 legislation can further prioritize environmental
22 justice communities and ensure a reduction in
23 vehicle miles. We encourage mandatory truck count
24 monitoring to ensure that vehicular traffic is
25 actually reduced in communities like ours. We
applaud the attention paid to the standards of

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2 truck and workers treatment and attention to the
3 equitable distribution of waste disposal throughout
4 the city. And we strongly believe that-- And we
5 strongly encourage this bill to consider the issue
6 of overnight waste storage in communities such as
7 Hunts Point to address the standards at the
8 facilities that are disproportionately cited in our
9 communities and often fail to adhere to local,
10 state, and federal legislation. And we hope that
11 this bill will seek to increase our version of
12 waste from landfill and that it aligns closer with
13 One NYC's zero waste goals.

14 CHAIRPERSON REYNOSO: Thank you for your
15 testimony.

16 ANDY MOSS: Good afternoon. My name is
17 Andy Moss.

18 CHAIRPERSON REYNOSO: [interposing] Yeah.
19 I don't think you're on. Your--

20 [background comments]

21 CHAIRPERSON REYNOSO: The mic. There you
22 go. Red light.

23 ANDY MOSS: There we go. How's that?
24 All right. Thank you. Good afternoon. I am Andy
25 Moss. I am the government affairs manager for Waste

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2 Connections and I am made a lot of cuts to my
3 testimony, so I'll keep it brief.

4 CHAIRPERSON REYNOSO: Thank you.

5 ANDY MOSS: I appreciate the opportunity
6 to testify on behalf of Waste Connections on intro
7 1574. Waste Connections wholeheartedly supports the
8 city, this committee, and Chairman Reynoso's efforts
9 to reform the commercial waste and recycling
10 industry. If the city is going to choose a franchise
11 model, Waste Connections supports the exclusive zone
12 model. We fear a nonexclusive system would look too
13 much like the present system that we have now. For
14 example, a company can possess all the best safety
15 manuals, get not be safe if it is lacking in the
16 culture and the commitment to act safely. It should
17 be up to the city, through a competitive RFP process,
18 to choose only the best companies that take safety
19 seriously. There is a reason that where franchising
20 is done throughout the country, it's done in an
21 exclusive zone model. And that's because it works.
22 I'm sorry. I'll cut around here. So, let's see.
23 From the haulers safety perspective, would like to
24 see a good cause added for choosing not to service a
25 customer specifically a safety exception the excuses

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3 nonperformance until a particular dangerous situation
4 is cured. We applaud the city's efforts to acquire
5 extensive initial and continued training. Our
6 particular concern with this section is that it
7 allows for the flexibility-- it needs to allow for
8 the flexibility to accommodate ongoing learning and
9 training that are company engages in on a daily,
10 weekly, and monthly basis. We don't want to have to
11 establish a rigid program that simply checks the
12 boxes of the legislation without meeting the spirit
13 of the legislation. For us, safety is a culture that
14 permeates our company. We want the ability for the
15 training to be ongoing, as opposed to a one time sit
16 in the classroom, check the box and your done
17 situation. Finally, we heard a lot today about
18 concern about costs. There is one particular section
19 in the legislation about third-party waste audits
20 that we believe is unnecessary in a competitive RFP
21 process. Waste audits, basically, help a customer
22 prove their buildings waste handling operations.
23 Waste auditing should be included as a covered
24 service in any issued RFP, along with the community
25 outreach function. Otherwise, if waste offer-- if
waste audits are offered as a free service to be

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3 provided by an outside party, literally every
4 customer is going to want one. And there's only one
5 way to recoup the cost. It's going to be millions of
6 dollars that will drive up costs to the customers.

7 CHAIRPERSON REYNOSO: Thank you. Thank
8 you for your testimony. And, again, I don't know if
9 you would ever be sitting next to the propagandist,
10 Justin Wood.

11 [Laughter]

12 ANDY MOSS: We've had a lot of positive
13 conversations.

14 CHAIRPERSON REYNOSO: I appreciate that
15 and I do want to say like I've been talking about
16 really clearly delineating between the people that do
17 good work and that don't. And you've been consistent
18 in the conversations about a company that's doing it
19 the right way. And, you know, we don't want the
20 people in the race to the bottom conversation to make
21 it so that you can't continue to employ people while
22 have nice tracks, recycle at a high rate, and do all
23 those things that we think are important. So, I
24 appreciate you being here and testifying in general.
25 I know Ron Bergamini was also here. So I do also

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3 appreciate you guys coming in and just speaking to
4 what you think would be beneficial. And Justin?

5 ANDY MOSS: Thank you for having us.

6 JUSTIN WOOD: Good afternoon, Council
7 member Reynoso and staff. And to everyone here. I
8 do want to pledge to Adam and Mr. T that I-- as
9 soon as I get home, I'm going to see if the twitter
10 handle waste propagandist is available and I will
11 jump on it if you haven't already. On a serious
12 note, I want to say two things. We keep hearing
13 two different lines of urgency here today. One is
14 that the sky is falling in that this bill is going
15 to make the sky fall in. And I want to say that
16 the sky is falling and not for the reasons that we
17 are hearing from certain parts of the carding
18 industry that don't want to change themselves and
19 from certain parts of the business community that
20 are afraid of change and we want to reassure them
21 that they needn't be. The sky is falling in terms
22 of a missed opportunity to address climate change.
23 We have a city of 5 million or more people in India
24 that's about to run out of water. If we look at
25 the headlines beyond this bill, we have one of the
largest crop failures probably in American history

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3 happening right now in the Midwest where there is
4 too much water. We had the ongoing effects of
5 hurricanes in Puerto Rico in here in New York and
6 everywhere. So it's falling and we need to do
7 something about it and this Council and the state
8 legislature have shown a willingness to act this
9 year, which is one of the few things that gives
10 those of us concern about this crisis hope. And
11 so, we want you to advance this bill and a strong
12 recycling version of this bill that ensures a just
13 transition for the workers in this industry from a
14 as cheap as possible, dirty, inefficient, chaotic
15 waste system to one that's going to create
16 additional jobs in recycling and composting
17 industry union jobs for our brothers and sisters in
18 the Teamsters and the laborers and we think this
19 bill is absolutely that pathway. We could save 1
20 to 2 million tons of CO2 emissions a year. We HS
21 plugged the current rock-bottom composting and
22 recycling numbers into the EPA's methodology. And
23 just quickly on that theme. This guy is also not
24 falling, as we've heard from Oakland, from San
25 Francisco. We talk constantly to our colleagues in
Los Angeles. In Boise, Idaho there is a strong

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2 letter to you and the mayor and the speaker from
3 someone in the Midwest who has implemented
4 exclusive zones systems in numerous municipalities
5 and says not a single municipality regrets that
6 decision. The prices can be controlled. They need
7 to and can incentivize the recycling and all these
8 cities. It is not just a simple sound bite,
9 contrary to what folks would have us believe about
10 what a given cost per ton is in San Francisco. We
11 can implement those incentives for businesses and
12 reward those who do the right thing and recycle
13 more here in New York City. We can reward haulers
14 who do the right thing and recycling compost and
15 reduce waste. And we can do all of that while
16 controlling prices. We have the tools to do this.
17 They are proven in other cities. It's time for us
18 to take it up to scale in New York City. Thank you
19 for your leadership.

20 CHAIRPERSON REYNOSO: Thank you, Justin.
21 Thank you to the panel. I appreciate your time. I
22 really do. Thank you. Thank you. All right. We
23 want to bring up Greg Todd. Mark Deconcoli. Teege
24 Otege. Sandy Nurse. Meredith Danberra Ficorelli
25 and Vinera Thorneburn.

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3 [Background comments]

4 CHAIRPERSON REYNOSO: That's Vondra.

5 Where is Vondra? I need to take a one minute
6 recess. It's just one minute and I'll be right
7 back. Okay? So are just going to take a one
8 minute recess. All right. Going to start with
9 you. So, we're beginning again.

10 [Gavel]

11 CHAIRPERSON REYNOSO: So, if everyone
12 could settle in. We are in-- We are in less of a
13 rush now because we've moved to this room. If you
14 guys want to stay here all day, I have no problem
15 doing that, I just want to make sure that you feel
16 that we are engaged. It's important. But I wanted
17 to move away from the city's testimony and move
18 into hearing from you and didn't want you not to
19 say it for three, four hours to listening to the
20 agencies without you being able to speak. The was
21 like we were rushing that portion, but this
22 portion, please feel free to, you know, take your
23 full two minutes and engage, if need be, after.
24 So, let's begin.

25 GREG TODD: All right. And thank you.

Council member Reynoso, my name is Greg Todd. I'm

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3 here today representing the Extinction Rebellion
4 Movement. I would like to thank the Council and
5 Council member Reynoso for the opportunity to
6 testify on the proposed legislation. Yesterday in
7 a standing room only chamber, this Council voted
8 unanimously with one abstention to approve
9 resolution 864 declaring a claim in emergency for
10 New York City. As such, this makes New York City
11 the largest city in the world to pass such a
12 resolution and makes an undeniably strong statement
13 about the city's position on climate change. I
14 think it's important to let that sink in for a
15 moment. What does the climate emergency mean? It
16 means simply that we are now facing the greatest
17 threat that the human race has ever faced. The
18 last time America faced a similar threat was after
19 the attack by the Japanese on Pearl Harbor. I
20 think it's interesting to understand the effect
21 that Pearl Harbor had on the American psyche.
22 Suddenly, rather than grouching about the liberal
23 new deal policies of FDR, business became
24 significantly a part of the war effort. The
25 economy subsequently went into overdrive with
record profits for US corporations, net gains and

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2 income for American workers, and a huge growth in
3 GDP. We are now facing a threat far greater than
4 that posed by the Axis powers. We are out
5 literally the end of the human race due to climate
6 change. The Intergovernmental Panel on Climate
7 Change, IPCC, and a special report states that to
8 avoid the catastrophic effects of an increase in
9 global temperature greater than 1.5 degrees
10 Celsius, we need to decrease net carbon emissions
11 by 45 percent by 2030. And net zero carbon
12 emissions by 2050. So, let's engage the private
13 sector the same way Roosevelt did after Pearl
14 Harbor. I propose the following: that the
15 implementation of 1574, once past, be delayed for
16 30 days. During that time, the carding industries,
17 in conjunction with sanitation and BIC, form a task
18 force to create binding reductions in CO2
19 emissions, miles driven, and tons of waste dumped
20 in a landfill. It must institute binding policies,
21 protect the rights of carting employees, including
22 safe working conditions, reasonable hours, job
23 security, healthcare, and pension plans. In short,
24 although working conditions and enjoyed now by
25 workers at the department of sanitation. Failures

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2 of individual carders to meet these mandates must
3 result in fines and penalties. If the industry
4 fails to create this task force or the task force
5 fails to agree on a set of binding policies within
6 30 days, the legislation will go into full effect.
7 I personally think it's only fair the carting
8 industry be given one last chance to reform itself
9 before policies are put into effect that might well
10 end the existence of many of our current carters.
11 I hope you agree with me in this sentiment and
12 can find it within yourselves to support my
13 proposal. Thank you.

14 CHAIRPERSON REYNOSO: Thank you. We
15 were just talking are there other things that were
16 missing that we should be taking advantage of
17 related to CO2 emissions and the reduction of that
18 impact? And we should have those conversations.
19 It should be an all-encompassing bill and we should
20 pay attention to every detail. So, I appreciate
21 your testimony. Thank you.

22 SANDY NURSE: Hello. Good afternoon. My
23 name is Sandy Nurse and I am the executive director
24 BK ROT, testifying on behalf of our team and in
25 support of the commercial way sewn plan and,

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3 specifically, exclusive zones. BK ROT is a zero on
4 missions hauling and composting operation in North
5 Brooklyn that trains young people of color ages 17 to
6 24 and managing and composting commercial and
7 residential organic waste. First and foremost, we
8 are fully in support of private sanitation workers
9 having living wages, having consistent and adequate
10 training, and the right to organize. These workers
11 have the right to operate in an environment without
12 fear of retaliation for not complying with unsafe or
13 hazardous work practices. So we were really
14 encouraged by the CWZ framework that will increase
15 accountability and support for their concerns.
16 Secondly, we think the CWZ is a start to the city
17 achieving its stated goals of drastically reducing
18 greenhouse gas emissions by 80 percent by 2050,
19 however, we are calling on Chairman Reynoso and the
20 Department of sanitation to further foster the
21 important contributions of zero and low emissions
22 organic waste micro haulers by increasing the tonnage
23 Of exempt material collected from 60 times annually
24 to 10,000 tons annually. This will enable micro
25 haulers to scale up independently before needing to
subcontract with traditional waste haulers and to

3 build out the small business model that creates safe,
4 healthy jobs and higher organic waste diversion
5 rates. Organic waste micro hauling is an emerging
6 approach to addressing the immense challenge of
7 commercial food waste that is both scalable and
8 replicable across the city. DSNY can benefit from
9 our independent growth by collecting metrics and
10 learning how to properly integrate our unique
11 services and methods into their larger citywide plan.
12 Here are some statistics that support increasing the
13 annual 60 ton cap currently imposed on organic waste
14 micro haulers in and show 57. Number one, we already
15 collect over 60 tons per year using zero or lower
16 missions hauling. At the minimum, we are collecting
17 72.5 tons and at the higher end, some of us are
18 collecting 500 tons per year. Number two, with
19 bikes, workers can collect 1 to 2 tons of organic
20 waste per day, so if you have one worker working five
21 days a week, we're already looking at 200 to 500 tons
22 of organic waste per day collected annually. Excuse
23 me. Collected annually. For every 15 accounts
24 served, we can replace over 3000 diesel truck miles
25 with bike miles and so, if the tonnage cap is
increased and lifted, we can increase that number 10

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3 fold per micro hauling operation that exists today.
4 Number four, we serve in underserved group of very
5 small businesses that are eager to divert organic
6 waste from their waste streams specifically through
7 our types of services. And lastly, we provide
8 education and training to small businesses that
9 ultimately improves their source separation practices
10 on leads to higher and more consistent diversion of
11 organics from the local waste stream. So, while we
12 support this CWE and while we fully appreciate the
13 many concerns various stakeholders have for this
14 process, we believe the climate crisis needs
15 aggressive legislation that prioritizes the
16 collective health of our city over the bottom line of
17 the waste industry. So, thank you very much for your
18 leadership and for other organizations and groups
19 that are involved in this effort in making this bill
20 possible.

21 CHAIRPERSON REYNOSO: Thank you. And I
22 just, I guess, we would-- I've been talking to the
23 staff. My district handles about 12,000 tons of
24 capacity a day, or has the capacity to handle 12,000
25 a day. For you to ask for 10,000 for a year, I think
is within reason and it's definitely something will

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2 continue to look at to make sure that we can support
3 you and allow that cap to rise. There might be
4 more-- how do I say? More details that we have to
5 go through as to why that is not the case yet or why
6 we haven't reached that, but we were paying attention
7 in micro hauling within the conversation is
8 definitely something we are going to address. It's
9 not going to be overlooked. So, I appreciate your
10 testimony.

11 MEREDITH DANBURG-FICORELLI: Chairman

12 Reynoso and members of the committee, my name is
13 Meredith Danburg-Ficorelli and I am the director of
14 Common Ground Compost. We support the commercial
15 waste zoning bill which will establish a zoned
16 commercial waste collection system. Common Ground
17 Compost runs a reclaimed organics, a bike powered
18 compost pickup service collecting organics from small
19 food businesses and small to medium-sized offices in
20 Manhattan. Last year, we diverted 73, approximately,
21 tons of organics from landfill through on-site
22 processing at our East Village community garden and
23 through a collaboration with a commercial waste
24 hauler who collects from us and hauls organics to a
25 commercial compost site. This year, we are on target

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3 to double that annual volume, likely diverting more
4 than 130 tons from landfill, but we will have to
5 check back in December on that. We serve underserved
6 businesses who frequently cannot obtain organic waste
7 recycling services from traditional commercial
8 haulers. Our customers are businesses that
9 generally-- that generate small volumes of organic
10 material that are more appropriately collected and
11 transported in buckets and small bags than in
12 containers and dumpsters which require collection by
13 large diesel trucks. Many commercial haulers are
14 challenged by the low root density of these small
15 volume collections and micro hauling boost efficiency
16 and expands access for small-volume and community-
17 based organics diversion. We've been working with
18 the New York City Department of sanitation for nearly
19 2 years as part of a broad stakeholder group
20 representing a number of innovative minority and
21 women owned businesses and we think the Department of
22 sanitation for considering the needs of this emerging
23 market of zero waste and environmentally responsible
24 materials management business is as they develop
25 their zero waste plan. Our goal as a hybrid zero
ways consulting company and micro hauling operation

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3 is to provide a constellation of services to all
4 businesses, helping to create solutions across the
5 board that range from infrastructure procurement to
6 training, waste audits, waste station, signage,
7 design, working with commercial waste haulers and, of
8 course, micro scale collection. We want to continue
9 to grow partnerships and collaborations with
10 commercial haulers and we appreciate the commercial
11 ways so and plan incentivization of innovative
12 partnerships in the bidding process. We seek
13 opportunities to expanding our collection
14 collaborations and also hope to partner with building
15 owners and managers to post organic waste
16 preprocessing machines and collection infrastructure,
17 some of which we are already working on. We all need
18 to share the responsibility for managing our waste,
19 not pretend it doesn't exist. While we applaud the
20 commercial waste zone bill and urge counsel to pass
21 it swiftly, we urge the Council to amend the bill 60
22 tons, we talked about it already, up to 10,000 tons
23 to allow for continued evolution for this evolving
24 market. If the annual tonnage cap remains at its low
25 rate, it'll, you know-- yeah. Restrict the growth
of back growing industry. Thank you.

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3 CHAIRPERSON REYNOSO: Can I just ask a
4 question? So you're doing, on average, I heard
5 like 72.5 tons a year. Why the increase from, say,
6 60 all the way to 10,000 and like in one big leap?
7 Is there a middle ground there that we should be
8 talking about or is it just to have like not have
9 any uncapped-- like just allow for the potential
10 to grow as, you know, freely without having to
11 worry about eventually hitting a cap, I guess?

12 MEREDITH DANBURG-FICORELLI: A little
13 bit of both. I'll take this briefly. We submitted
14 a pretty detailed plan suggesting a two-tiered
15 system that directly tied, essentially, the
16 definition of micro hauling to existing Department
17 of environmental conservation rules.

18 CHAIRPERSON REYNOSO: Yeah. I saw
19 that. Yeah.

20 MEREDITH DANBURG-FICORELLI: At the
21 state level for processing, 2500 tons a year is the
22 limit for a registered site to process organics, so
23 that's-- you know, and that's, essentially-- what
24 did we say? One truck worth of material collected
25 five days a week, if it's a 10 ton truck,
approximately. So, I mean, 60 tons is way too low.

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3 10,000 tons is, sure. That's a target for us to
4 hate eventually. I'm not saying any of these
5 organizations will be able to do that within, you
6 know, year one of the new system. Anything else to
7 add?

8 SANDY NURSE: And the only other thing--
9 the only other thing to add is we put in our memo
10 that we submitted to you, we had a tier 1, which was
11 zero omissions and tier 2 which was low omissions.
12 So there are couple different ways we process. Some
13 people consolidate. Collect, consolidate, and
14 process. Some people process every single thing they
15 collect using low omissions vehicle. So, we were
16 trying to create a spectrum that allowed for both
17 zero and low omissions. And low omissions
18 specifically being tied to what is collected is fully
19 processed all the way.

20 GREG TODD: Can I just energetic? I
21 didn't mention, but I also operate a micro Carter and
22 I would think the platinum standard-- and I think the
23 standard that we would go for with the climate
24 emergency is to process as much material locally,
25 thereby eliminating large trucks completely from
processing of these materials five process. And

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2 locally using anaerobic digesters and composting
3 machines. Hauling around organics in a large truck
4 that are 70 percent water to a distant processing
5 facility seems like an inherently wasteful and
6 unnecessary in the opinion of myself, at least.

7 CHAIRPERSON REYNOSO: All right. Thank
8 you for that. And I just want to-- and I got most
9 of that memo and most of the information, but
10 just-- just wanted to see, I guess, a transition.
11 As to how you get there. But the tiered system
12 makes a lot of sense. You do the least harm in the
13 environment. Of anything good, the more reward
14 you. I get that. So, will keep having
15 conversations.

16 MEREDITH DANBURG-FICORELLI: We're
17 open to discussing it.

18 CHAIRPERSON REYNOSO: I know you are. I
19 know you are. You are doing good.

20 VONDRA: Yes.

21 CHAIRPERSON REYNOSO: Vondra. `

22 VONDRA: Just to-- I'm on the low
23 emissions by doing the full--

24 CHAIRPERSON REYNOSO: You're on the no
25 emissions or low emissions?

2 VONDRA: No. No emissions.

3 CHAIRPERSON REYNOSO: Okay. All right.

4 VONDRA: Low emissions. However, I do
5 want to just underscore the whole issue of
6 exemption. So, what we want to, in fact, create is
7 an exemption to a certain amount and my concern
8 with the intro 1574 and, actually, as I understand,
9 from the sanitation conversations, is actually that
10 they would like to see us have low numbers for our
11 exemptions so that we then have to fold into being
12 subcontractors to the bigger players. So, I want
13 to just see if we can raise the exemption tonnage
14 to as high as possible before we have to be
15 considered that we have to fold into the carting
16 companies. And I, course, want to see if we can't
17 get a row for replicating the type of small
18 business minority owned business, and also a
19 business model that could be replicated on worker
20 owned co-ops. So, part of the whole micro hauling
21 cohort was to suggest that all of us have to have
22 particular business models that are, quote, green
23 and sustainable. And I think that that's another
24 issue that I don't see that there's a lot of room
25 for growth in the 1574, which is a name, too, and

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2 then actually supports the whole notion of
3 sustainability. Green jobs and the-- so, that's
4 the other part that I wanted to underscore.

5 CHAIRPERSON REYNOSO: Yeah. And that is
6 good. That's a good conversation to have. Like
7 what is this threshold? Because there is also some
8 level of legitimacy that I want-- the industry
9 wants--

10 VONDRA: Say that again. I'm sorry.

11 CHAIRPERSON REYNOSO: Some level of
12 legitimacy that the industry wants to be able to
13 maintain and having that threshold be increased
14 to-- the exemption be increased significantly can
15 get to a point where there's a large group of folks
16 doing this work that are just not recognized and
17 then, when you hit that threshold, the bird in the
18 reporting and work and everything that needs to be
19 done can be significant. So, let's keep having the
20 conversation. It's one that's being had. DSNY is
21 paying attention. They are behind you. They are--

22 VONDRA: We certainly thank you for
23 bringing us to the table and having the
24 conversation and let's not drop it.

25

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2 CHAIRPERSON REYNOSO: No problem.

3 [Inaudible 01:03:12]

4 MEREDITH DANBURG-FICORELLI: I think
5 the last thing is we've been trying to operate in a
6 space where we can't have licenses for a long time,
7 but there was no opportunity for that. So, we're
8 excited to be able to step into a space that
9 actually allows us to be licensed and to operate
10 within a system.

11 CHAIRPERSON REYNOSO: angry. And I
12 think that's-- that's not the ultimate goal, but
13 that's very important. I think that's one of the
14 foundational things of what we need to get done in
15 this legislation. But, again, thank you so much
16 for your testimony. We really appreciate your
17 time.

18 MEREDITH DANBURG-FICORELLI: Thank
19 you.

20 SANDY NURSE: Thank you.

21 CHAIRPERSON REYNOSO: Michael Teramina.
22 Susan Waltman. Andrew Riggy. Gregory Lettieri.
23 Heather Ducharme and Michael Bocci. If there's--
24 Is there a-- If there's anyone else that wishes to
25 testify specifically in opposition, please-- that

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3 hasn't, you can raise your hand and last minute
4 will be getting inserted into this last panel. In
5 opposition. Okay. Going once, going twice. Sold.
6 They're here. Yeah. So, please begin when you
7 can. Thank you.

8 SUSAN WALTMAN: Thank you. Thank you
9 very much.

10 CHAIRPERSON REYNOSO: Make sure the
11 light is red. If it's red, we're good. If it's
12 not--

13 SUSAN WALTMAN: Red.

14 CHAIRPERSON REYNOSO: All right. Good.

15 SUSAN WALTMAN: That's good? Good.
16 All right. Thank you. Thank you for the
17 opportunity to appear. I'm Susan Waltman,
18 Executive Vice President for Legal Regulatory and
19 Professional Affairs at the Greater New York
20 Hospital Association. We represent all of the
21 hospitals in New York City, public and voluntary,
22 as well as hospitals across the region. We-- I'll
23 just provide a summary of my comments of our
24 written testimony. We, obviously, as healthcare
25 representatives, are very supportive, share the
goals of a commercial waste zone program. We

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3 promote efforts to improve air quality, public
4 health, and, of course, the safety of workers and
5 the public. We have some concerns with respect to
6 the commercial waste zone program, particularly
7 those with the exclusive zone approach with respect
8 to their impact on the operational and cost aspects
9 for hospitals. Given their special attributes,
10 there are special waste attributes, waste
11 management practices and procurement. Very
12 quickly, they-- Thank you. Too loud? I'm
13 surprised.

14 CHAIRPERSON REYNOSO: No. No. Not loud
15 enough. No. No. No. Get closer.

16 SUSAN WALTMAN: Okay. All right.
17 Thank you. Unlike other facilities, they generate
18 almost-- I think some of them generate almost all
19 different kinds of ways from the municipal solid
20 waste that's the subject of this program.
21 Pathological waste, regulated medical waste, a lot
22 of different types of waste that are serviced by
23 different lenders, but it's essential that they be
24 coordinated within a facility. So, it becomes very
25 important for us to be able to choose a vendor, a
carter, that is capable of disposing, collecting,

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2 and managing our waste in coordination with all
3 these waste zones-- these various waste streams.
4 We are also, obviously, large generators of waste
5 and many of our members are parts of healthcare
6 systems and, in fact, when you look at the
7 Department of sanitation's-- excuse me-- chart of
8 the zones, 80 percent of our hospitals are in--
9 are in multiple zones and we have one that is a
10 nine zones. So, it becomes very important to be
11 able to coordinate for efficiency and cost purposes
12 and cost is important to many of our safety net
13 hospitals, as well. With the right kind of carter
14 who has that capability. At the same time, I just
15 will say we really don't contribute to the problems
16 that are, I think, trigger your commercial waste
17 zone program. All of our waste is collected in
18 very large containers that often have compactors.
19 They are picked up that the site and transferred to
20 directly to a transfer facility. We don't
21 contribute to the meandering routes and we do not
22 have-- we don't contribute to the vehicle miles
23 traveled. We therefore request a framework within
24 any rezoning commercial waste zone program that
25 would permit hospitals to choose from a group of

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2 vendors that are carters that are preapproved, have
3 the capacity to service hospitals regardless of the
4 zone. We believe that will facilitate and really
5 mitigate the impact on us and, at the same time,
6 not undermine the goals of the program. Thank you.

7 CHAIRPERSON REYNOSO: Thank you. Yeah.

8 I was gonna-- I was going to ask, currently, do
9 you-- you don't use one carter for the entire
10 system, right? Or one company for the entire
11 system?

12 SUSAN WALTMAN: Well, sometimes a
13 hospital will engage one waste management company--

14 CHAIRPERSON REYNOSO: Uh-hm.

15 SUSAN WALTMAN: that will dispose of
16 some of the waste streams themselves and then
17 subcontract for the municipal solid waste. They
18 might have different-- they might have different
19 vendors for that purpose, but, yes, they would have
20 the same contractor across the system for the
21 particular waste stream for operational efficiency
22 and cost purposes.

23 CHAIRPERSON REYNOSO: Okay. And then
24 across all of the hospitals-- is at the same case?
25 Is it a carter coming in the hospital, filling the

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3 truck because you either have a container of some
4 sort and they are taking the entire container or
5 are there portions of your system where the carter
6 is moving through different hospitals-- like one
7 truck can move through several hospitals?

8 SUSAN WALTMAN: My understanding--

9 CHAIRPERSON REYNOSO: Uh-huh.

10 SUSAN WALTMAN: is that particularly
11 for the systems they will have a large container at
12 their loading dock that is filled up during the
13 course of a day or days, compacted so that it can
14 hold, gently, as much as possible--

15 CHAIRPERSON REYNOSO: Uh-huh.

16 SUSAN WALTMAN: and then the carter
17 will come, will take that cart directly to a
18 transfer station. It may be that there is some
19 movement among. I'm not aware of that.

20 CHAIRPERSON REYNOSO: So, we should--
21 we should have that conversation because there is
22 a-- and I keep saying this, but I've got to make
23 sure that it's correct by through like
24 environmentalist standards. If it's like a net
25 neutral way are not adding or taking away when it
comes to the vehicle miles traveled because it's a

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2 direct route in and out, I want to make sure DSNY
3 could look into that and, I think, there's some
4 large buildings that Rebni (sp?) As, as well, that
5 fill up a compactor. It gets picked up and it goes
6 straight to where it has to go. We just want to
7 see-- are going to look in on that to see if it's
8 neutral, carbon neutral, let's say or
9 inconsequential to what you're trying to achieve
10 like you said and then we would definitely consider
11 that. But, something that we've already had a
12 conversation with the hospitals that we've taken in
13 and we are looking into for sure. So, I just want
14 you to know that we have heard you, again, today
15 and that is something that we are considering for
16 sure.

17 SUSAN WALTMAN: Thank you very much.

18 CHAIRPERSON REYNOSO: So, thank you.

19 Thank you.

20 GREGORY LETTIERI: My name is Gregory
21 Lettieri. I'm a native New Yorker and the CEO and
22 cofounder of Recycle Track Systems, which is RTS.
23 I'd like to first thank the chairman Reynoso and
24 all the members of the committee and community
25 members for advocating on behalf of performed for

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3 the commercial waste industry. My career has been
4 mainly technology focused. In 2015, we founded RTS
5 to utilize technology to track trucks, track waste,
6 track recycling, and organic city appropriate
7 destination facilities. We operate as a licensed
8 broker under the Business Integrity Commission and
9 offer our services by building partnerships with
10 local, independent haulers who install our GPS
11 technology in New York City and throughout the
12 country. Today in New York and in other cities, we
13 have serviced more than 1500 premium customers
14 including some of the largest sports stadiums,
15 hospitals, office buildings, corporations, and
16 municipalities. RTS is a certified B Corporation
17 which is one of 2500 companies across the globe
18 that are recognized for working for the betterment
19 of business, society, and social good. Under New
20 York State law, we are also a benefit Corporation
21 which means we are formed for the purpose of
22 creating a material positive impact on society and
23 the environment. At RTS we continue to deploy
24 capital to further our development to fund
25 innovative ways to recycle and donate materials. I
understand wholeheartedly and agree with all the

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3 intentions behind this bill. To create a safer,
4 more transparent, efficient, and more
5 environmentally friendly industry through increased
6 waste diversion and decreased vehicle omissions.
7 The bill, however, currently written, while having
8 excellent intentions, unfortunately will not be
9 successful in creating those goals. Or achieving
10 those goals. For instance, on boarding a new
11 customer is very complex. It is virtually
12 impossible for one company, regardless of how
13 large, to transition thousands of customers through
14 a 12 month period in a single zone. And I can go
15 into more details about that off-line. In
16 addition, potentially adverse environmental impact
17 of the plan during this transition really needs to
18 be understood. A massive customer on boarding
19 requires trucks, materials, welders, safety
20 equipment, and a lot of coordination. Financially
21 speaking, the bill under consideration most
22 benefits the two largest haulers in New York City.
23 These haulers, who are likely to be awarded many of
24 the exclusive zones that would be up for bid, have
25 also had multiple instances of recycling
violations, as well as their own labor and safety

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3 issues. Under the proposed system, they would be
4 quite excited to win exclusive zones, however, I
5 believe not capable of actually handling the task.
6 There are better ways to accomplish the city's
7 safety and environmental goals without eliminating
8 the competitive system that keeps large companies
9 in check and promotes innovation. Frankly
10 speaking, we've built a very successful business
11 competing against those large haulers by offering
12 more transparent and sustainable recycling and
13 waste removal services. If the commercial waste so
14 bill was passed as written today, it's very likely
15 some of our closest hauling partners, some of them
16 companies that are minority owned, some that are
17 Teamsters local 813, and local 108, would be out of
18 business. Finally, I'd like to add something that
19 others have not. The bill would also, in my
20 opinion, have serious adverse effects over the
21 construction industry because of lack of companies
22 and infrastructure to service the city's ever-
23 growing construction needs. In closing, like to
24 thank everybody, including the advocates and
25 policymakers with whom I have met and I would like
a chance to continue to further these discussions.

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3 CHAIRPERSON REYNOSO: And just a point
4 of clarity, construction and demolition is not a
5 part--

6 GREGORY LETTIERI: I understand that. The
7 issue is that you have, in a single zone
8 environment, a lot of the companies that currently
9 exist today, even if we consider those top 20,
10 which is what I would consider, the majority of
11 them may not be operating. So, you would have a
12 lot less capacity for that type of services.

13 CHAIRPERSON REYNOSO: Oh. So, you're
14 running under the assumption that these businesses
15 wouldn't exist. And that, if they do other work
16 like construction demolition, that they wouldn't be
17 able to provide them because they would be out of
18 business.

19 GREGORY LETTIERI: You would definitely
20 have a lack of existing trucks to do it. And the
21 San Francisco-- I hear the arguments for LA and
22 San Francisco. Just using San Francisco, our
23 experiences there is a tremendous amount of price
24 increase. Customers that we have in New York,
25 compared to San Francisco, in particular, are
paying substantially more.

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3 CHAIRPERSON REYNOSO: All right. Thank
4 you. Thank you for your testimony.

5 GREGORY LETTIERI:Yep.

6 HEATHER DUCHARME:Good afternoon, Chair
7 Reynoso and members of the committee. My name is
8 Heather Ducharme and I'm the director of Storefront
9 Business Engagement at the Alliance for Downtown
10 New York. The business improvement District
11 representing Manhattan south of Chambers Street.
12 Lower Manhattan is home to approximately 1200
13 retail businesses who rely on private carters to
14 serve their waste disposal needs. Our storefront
15 businesses are facing the same challenges that
16 small businesses all over New York are facing. It
17 is critically important that any change to the
18 private carting system recognize the needs and
19 concerns of small businesses. Advocates have long
20 called for substantial changes to New York's-- how
21 New York City handles commercial waste. Lower
22 Manhattan's narrow streets and extraordinarily
23 dense environment make adequate waste removal
24 especially challenging. The Alliance has
25 participated in the Department of sanitation's now
for year-long process to create a new system that

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2 would be more efficient and environmentally
3 friendly than the current process, while
4 maintaining reasonable prices and good service for
5 small businesses. The department's commercial
6 waste zone plan would generate significant
7 improvements in route efficiency, while also
8 preserving competition needed to ensure carters
9 provide high quality, cost-effective services to
10 their customers. We are concerned that intro 1574
11 ignores years of careful analysis and stakeholder
12 engagement. The bill would create a system that
13 severely limits the choices available to
14 businesses. With only one carter allowed to
15 operate per zone, businesses would be subject to
16 monopolies. This could lead to substantial
17 increased costs for struggling entrepreneurs. If
18 the designated carter for the zone does not provide
19 satisfactory service or offers a nonnegotiable fee
20 agreement or structure, businesses will have little
21 or no recourse. Instead, they have to go through a
22 burden some customer service process that will not
23 guarantee a change and could take weeks to resolve.
24 This could result in trash accumulation on our
25 already crowded sidewalks and place of financial

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3 hardship that could close a small businesses doors
4 for good. As storefront businesses are adapting to
5 changes in the retail market and regulatory reform,
6 it is critical that they are supported and the city
7 does not hinder their ability to succeed. The
8 downtown alliance believes that the city should
9 allow businesses to have some choice over to their
10 private carter is so that we maintain high quality
11 service, keep prices low, and meet the commercial
12 waste disposal needs of every neighborhood in the
13 city. Thank you.

14 CHAIRPERSON REYNOSO: Thank you. Thank
15 you for your testimony. I appreciate it. Thank
16 you. All right. Thank you. Melissa Iachan from
17 NYLPI. Thomas Devito, I guess. Or Devino.
18 Andreas Scarborough. Leslie Velazquez from El
19 Puente. And John Rojas from Teamsters.

20 LEGAL COUNSEL: I think Andrea
21 Scarborough left.

22 CHAIRPERSON REYNOSO: All right. And if
23 folks are missing, we can-- we will keep adding.
24 We will keep adding. Francisco Rivera. Lisa
25 Bloodgood. Benjamin Miller. Let's see. Melissa,
do--

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2 MELISSA IACHAN: All right.

3 CHAIRPERSON REYNOSO: you want to start?

4 Yes.

5 MELISSA IACHAN: Good afternoon. Thank
6 you for squeezing man before 3 PM, the witching
7 hour.

8 CHAIRPERSON REYNOSO: Yeah. I--

9 MELISSA IACHAN: My name is Melissa
10 Iachan. I am a senior staff attorney at New York
11 Lawyers for the Public Interest in the
12 Environmental Justice Program. The EJ program has
13 been focused on trying to bring equity into our
14 cities waste assist him for more than two decades
15 and I have worked in this area of waste regulation
16 for over five years. NYPLI is a member of the
17 transform, don't trash coalition and, together with
18 our coalition partners, we spent the better part of
19 the last five years advocating for a systemic
20 overhaul of our private waste systems, so we are
21 beyond thrilled to be here today, even if it means
22 spending all day here with you. I would like to
23 thank you, Chair Reynoso and all the cosponsors of
24 intro 1574, as well as the other members of the
25 sanitation committee, for the opportunity to

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3 discuss an advance a holistic solution to the many
4 problems in our commercial waste system with public
5 safety, workers rights, and equity at its core.

6 This bill could be a step towards much-needed and
7 long awaited release for the communities in our
8 cities that have borne the brunt of garbage for way
9 too long. I would also like to thank Commissioner

10 Garcia, Justin Bland, and DSNY for their efforts to
11 find a way to work together to bring more

12 sustainability and equity into our cities waste
13 processing system. I have fairly detailed

14 testimony, so I'm not going to get into all of it.

15 I'm going to spare everyone that. And I'm also
16 going to try to not repeat what many of my

17 coalition partners and our client communities have
18 so eloquently said today about all of the amazing,

19 important goals that this piece of legislation and
20 a commercial waste zone system would help to

21 accomplish. I'm going to focus, instead, on what I
22 think could be strengthened in the framework that

23 intro 1574 already does for the most progressive,
24 safest, greenest, and equitable private sanitation

25 system. We are very happy that intro 1574 already
has key provisions to ensure that any company

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3 submitting a bid would have to demonstrate
4 improvements in safety and cleaner burning trucks,
5 which will go a long way to improve the quality of
6 life and overburdened communities, but the bill
7 could still do more. In addition-- Wow. Okay.
8 So, I go into detail on how it could do more. We
9 really would like facility standards and compliance
10 to really be shored up in the language in the bill
11 and I specify how. We also suggest that, as a part
12 of each haulers proposal, they outline their impact
13 on communities surrounding their garage or truck
14 depot and, if applicable, their transfer
15 facilities, if they own them. And any plan to
16 mitigate any negative impacts or invest in or
17 engage with the community in a collaborative and
18 positive manner. And that that be considered as
19 part of the RFP process. I also go through a lot
20 of other specific ways to strengthen the bill with
21 everything from diversion and zero waste to job and
22 laborers standards, as well as reporting
23 requirements. We believe that the bill should
24 include specific reporting requirements, instead of
25 the catchall language that is in there now and I
enumerate that in my written testimony. And, in my

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3 written testimony I express general support for the
4 other bills that are on the agenda today with the
5 exception of two, which we have some concerns
6 about. And we look forward to continuing to
7 collaborate with you, Council member, the Council,
8 DSNY, and our coalition members to strengthen intro
9 1574 and is other bills to truly bring
10 transformative progress to our commercial waste
11 system and our city.

12 CHAIRPERSON REYNOSO: Thank you.

13 LISA BLOODGOOD: Thank you, Melissa.

14 Mine is similar, but simpler. So good afternoon.

15 I'm Lisa Bloodgood and I'm here to speak on behalf of
16 the Newtown Creek Alliance, or NCA. NCA is a need-
17 based organization that works to reveal, restore, and
18 revitalize the Newtown Creek. We are unique in New
19 York City because we advocate for environmental
20 remediation, industrial, retention, and community
21 health. Where many might see opposing points of
22 view, we have been able to find common ground and we
23 appreciate the opportunity to bring this point of
24 view to the discussion today. Although we feel there
25 are improvements to be made, my testimony is in
strong support of 1574. I'm going to skip a little

2 bit and just get right into it. 1574 will bring
3 exclusive commercial waste zones to New York City.
4 Having an exclusive system whereby each zone will be
5 serviced by a single carting company will move us
6 away from a wild West commercial waste system that
7 poisons our air, compromises road safety, exploits
8 workers, takes advantages of small businesses,
9 increases maintenance costs for roads and bridges,
10 and contributes to New York City abysmal commercial
11 recycling rate of 21 percent. While we support intro
12 1574 because of the tremendous environmental and
13 public health benefits, it will confer upon the city
14 as a whole there is room for improvement. The bill
15 does not-- there's nothing to reduce an equitable
16 concentration of waste transfer stations in Queens
17 and Brooklyn, located just upland of Newtown Creek.
18 The neighborhood surrounding Newtown Creek hosts a
19 disproportionate number of truck based waste transfer
20 stations relative to the rest of the city, which you
21 are well aware. Collectively, these transfers
22 stations handle almost 40 percent of the over 12
23 million tons of waste moving through New York City
24 annually. This is the densest concentration of waste
25 transfer systems in the five boroughs in this

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3 clustering negatively impacts both community health
4 and public infrastructure. Even worse, many of the
5 ways transfers stations and businesses-- excuse me.
6 And business near Newtown Creek are poorly operated,
7 creating hazards for both workers and the community.
8 At a minimum, these facilities need to be in
9 compliance with the city zoning codes and OSHA
10 regulations. The current legislation requires
11 neither. So, we appreciate that intro 1574 will
12 establish a preference for carders who proposed to
13 dispose that transfers stations that are
14 geographically proximate to each designated zone,
15 more needs to be done to ensure that a number of
16 carting vehicles traversing our neighborhood streets
17 is reduced. While the implementation of exclusive
18 commercial waste zones will reduce vehicle miles
19 traveled in Midtown by a huge margin, it will reduce
20 truck traffic in our communities only marginally, if
21 at all. Yes, commercial carting vehicles will travel
22 shorter, more efficient routes through Midtown
23 Manhattan, but those truck trips will still begin and
24 end in our community because our community is where
25 the garages and transfers stations are located and
where the long haul tractor-trailers carrying waste

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2 for export begin their journey to out-of-state
3 landfills. Finally, the bill also fails to create a
4 mechanism to increase the diversion of waste from
5 landfills, an important goal of One NYC. This
6 legislation should explicitly advance. So, I want to
7 say thank you and, while today's legislation is a
8 step in the right direction, NCA asks that our city
9 leaders take additional steps to reduce the an
10 equitable concentration of waste infrastructure in
11 low income communities and communities of color and
12 ensure that ways transfers stations are in compliance
13 with the city zoning, OSHA regulations, and make a
14 serious effort to move towards One NYC goal of zero
15 waste. Thank you.

16 CHAIRPERSON REYNOSO: Thank you, Lisa.

17 Thank you.

18 BEN MILLER: Hi. I'm Ben Miller. I'm the
19 cofounder of the Center for Zero Waste Design. You
20 guys all have my written testimony and proposed
21 amendments there and they are available online at
22 centerforzerowaste.org. I'd like to mention three of
23 the suggestions that I may cannot testimony quickly.
24 First, you mentioned today the importance of the
25 efficiency and reducing costs, operating costs. You

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3 have also mentions the value to carders is an
4 exclusive zone of a guaranteed supply of materials
5 for a guaranteed time at a predictable price. I
6 suggest that you require franchisees to take that
7 financing power to the bank so that we can finally
8 make zero ways have been, if possible, by developing
9 local processing facility for energy and material
10 recovery. The second suggestion solve for address
11 this problem, which is a significant one is I would
12 require franchisees to use our transfers-- Marine
13 transfer stations and other facilities as a
14 requirement of using there's a so that we can, you
15 know, close these things down. And, thirdly, you--
16 I would like to agree with your suggestion that we
17 not think of a limit of 20 zones and that, as we
18 defined zones, we not use community board boundaries
19 as a simple cookie-cutter, but draw them more
20 intelligently so we can do such things at once draw
21 zones of different sizes so that different size
22 companies can compete well so that we never cut local
23 entities such as bids because these things are
24 institutional armatures that could energize these
25 zones and really maximize the advantages. And,
thirdly, I would suggest the zones being drawn with

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3 geographic and infrastructural and demographic
4 features in mind so we don't tear apart things that
5 could have a direct beneficial effect on waste
6 management in the city.

7 CHAIRPERSON REYNOSO: Thank you. Thank
8 you for that, as well.

9 JOHN ROJAS: Good afternoon. Good morning
10 it should have been. Sorry guys. So, if you don't
11 know me, my name is John Rojas. I used to work for
12 Sanitation Salvage-- sorry. The unfairness, but
13 infamous Sanitation Salvage. I'm a newly father and
14 one I started working with them, I was about 22--
15 23. I'm 25 now. A black man and I am a minority.
16 All right? Just put emphasis on that. I've been
17 with them for two years, but by the time I got laid
18 off, I felt like I had 10 years of experience.
19 Starting this job, I had no prior-- I had no prior
20 knowledge of the waste industry and the sanitation
21 industry. My first day on the job-- that's my
22 cousin right there. We headed downtown in Soho. I'm
23 trying to understand why we are going to so when we
24 are located in the Bronx. It didn't make any sense
25 at all. But as I continued working for them, it
became regular. We came out of our comfort zone.

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3 Deming, however boroughs zone on the regular. Sorry.

4 It became kind of weird because we are working-- I

5 mean, our base is in the point, Hunt's Point, and we

6 are going everywhere else. Talking about I had seen

7 the home Bronx every night. From South Bronx to city

8 Island to Eastchester Road, Gun Hill Road, Fordham,

9 Grand Concourse, even into Harlem. I had no training

10 whatsoever. I got trained on the job, which is

11 completely dangerous. I used to ride the back of the

12 truck like it was completely fun not knowing that

13 that was hazardous to my life. Now, I got hit by a

14 car. I was literally a block away from my house. I

15 could have stopped working and I could've went home.

16 My driver asked me if I was all right, but come to

17 find out, I fractured my elbow and I didn't know. I

18 worked a whole 16 hour shift not knowing that. So,

19 due to the rigorous boundaries and rigorous rules

20 that the job had, I have no choice but to stick on

21 the job and to my job because I was fearful of being

22 unemployed. All right? So he said keep working

23 knowing that I got fractured. Due to that situation,

24 right-- that just one probably situation that made

25 my life and my protection of me going to work in

threat. As a whole another different situation where

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3 I got chased by about 15 different due to the fact
4 that I got misidentified because of the fact that I
5 was in the zone that we shouldn't have even been in.
6 Now, intro 1574 would completely help that. Any
7 garbage zone or any-- Sorry. Any garments company
8 that we are picking up garbage in a whole different
9 area, you eliminate all factors like that. Miss
10 being identified. Having to pick up garbage you
11 don't know-- you don't even belong in. You
12 understand? The community fills it and then the
13 bigger-- it trickles down as a chain reaction, but
14 it starts with the community. So, I'm going to keep
15 it short and simple. I almost got bit by a rat. All
16 right? I sacrificed my life. My time and my and
17 divided attention to my child that I could have given
18 to sanitation salvage. For me to get laid off and I
19 get a call-- I get a call from my boss saying, oh,
20 John, you didn't get the memo? We don't have a job.
21 So I'm literally walking back to the train station
22 with my head down not knowing what I'm going to tell
23 my baby mother. How am I going to do? That's life.
24 That's reality. Not that many of you all could worry
25 about that, but that's what we go through, so just
think about that.

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3 CHAIRPERSON REYNOSO: Thank you, John.

4 FRANCISCO RIVERA: Good evening. My
5 name is Francisco Rivera. I have been a long time
6 member from local 813. I work for Royal Ways. I
7 was-- 16 years ago when I came to this country, I
8 came for a better future. I got [inaudible 01:32:32]
9 carting industry because I was a young father and
10 needed to support my family. Working at Royal ways,
11 union company, I could make a decent income and give
12 my four kids what they needed. But my family also
13 knows the pain of having a father who has to provide
14 with carting working. I work every week 60 hours,
15 leaving them for many days. When everyone else is
16 getting in a gathering, I have to leave so I can go
17 to work. When my kids wake up at night and bad
18 dreams, I'm not there. When I lost my first marriage
19 because working so many hours in stressful. That's
20 why we need these ways sounds so every worker will
21 have the same rights that I have. And every company
22 worker will be able to take care of their families.
23 We want one carter and every zone so workers won't
24 have to drive all over the city to finish up a
25 goddamn route. Think about the workers who are
picking up tons and tons of trash every night. Think

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3 about the workers who are hanging off the back of a
4 truck speeding through the streets of New York City.

5 Think about the workers who get injured and don't
6 have the healthcare, or the time off to get better.

7 Think about the workers who don't get paid for all
8 the hours they work. Think about the workers who get
9 treated like garbage. With this bill passed on, when
10 you vote, just think about us and not just a bill.

11 CHAIRPERSON REYNOSO: Thank you for your
12 testimony. I really appreciate it and appreciate
13 your testimony would choose the opposite of
14 opposition. It's like you need to do more. So, we
15 are really thinking about these things and DSNY is
16 working with us on some of these issues. We are
17 getting the usual-- legally, there's some things we
18 can do. There are some things we can't do, which
19 Melissa obviously disagrees with. We are going to
20 push DSNY to do as much as a we possibly can and
21 we're going to try to push the envelope to make sure
22 we get to a place where a way affect the most change
23 in this industry in one shot. So, I really
24 appreciate your testimony. And don't think were not
25 paying attention. It's just we have to fight DSNY to
do more. I really appreciate it. Thank you. Thank

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2 you for your testimony. And, to the workers, thank
3 you. Your testimony is the most valuable. People
4 need to know what you guys go through. Actually I
5 did a truck route one time and it was blank for like
6 less than an hour, but it was an experience. There
7 were some bags I couldn't throw in the back of the
8 truck. I saw the stops happening. I saw all the
9 trash that I had to let pass by because another truck
10 was going to go pick it up, not the truck I was on.
11 So, I did that for like an hour. You guys do that
12 every night, so I un-- it's shocking when you see
13 that. So, I wish everyone should go in the back of
14 the truck before this happens and that we don't need
15 teams. That's what should happen. But, I appreciate
16 your testimony. And now we have our last panel.
17 Jessica Yantz. Jenny Romer. Anna Bautista. Michael
18 Greely. Alexis Robinson. Dylan Oakley and René
19 Hill. All right. This is the last panel. The
20 Mariano Rivera of the night. Or the afternoon now.
21 So, please, were going to start from this side and go
22 on. Thank you so much for being here please take
23 your time.

24 JESSICA YANTZ: Good afternoon. Thank
25 you for the opportunity to speak to your committee

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3 today. My name is Jessica Yantz. I am a member of
4 Teamsters Local 210 and I work and Simms Metal
5 Management in Brooklyn where we process all the
6 recycling that DSNY picks up. We need a real
7 investment in recycling from a private carting
8 industry to tackle climate change and create, green
9 jobs. In my five years working at Simms, I've been
10 able to provide for myself and build a life, while
11 also supporting the city where I have lived my whole
12 life. I have a union job. I have a save job, but
13 Simms is the exception, not the rule. At most of the
14 recycling facilities that private carders run and
15 use, workers are paid low wages and the work is
16 dangerous and you guys know people have died. And
17 that's when the companies do recycle. The private
18 carting industry only recycles about 21 percent of
19 what it collects. That is a big problem. When we
20 don't recycle, trash goes to landfills and produces
21 greenhouse gases that are driving climate change and
22 wrecking the planet. It doesn't have to be this way.
23 With exclusive zones, private carters will be
24 required to invest in the facilities like Simms and
25 invest in the workers. With exclusive zones, the
city will be able to demand high rates of recycling

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2 and composting and hold carders to that standard.

3 Instead of the New York City private carting industry
4 being part of the problem, with exclusive zones that
5 could be part of the solution. This bill will create
6 good, green jobs like the one I have. A couple of
7 months ago I was able to buy my first home. I never
8 would've considered being able to do that five years
9 ago. Some people might think that the workers who
10 sort New Yorkers trash don't deserve good jobs, but
11 New York will not reach our climate goals without us.
12 Please pass the exclusive zone bill and show that you
13 value us. FYI, without taking care of the
14 environment, there will be jobs for the generations
15 to come. I've heard it all day. Generations, the
16 environment must come first. Thank you.

17 CHAIRPERSON REYNOSO: Thank you for your
18 testimony. And I'm glad you work at Simms. It's a
19 big fight to get--

20 JESSICA YANTZ: Yes.

21 CHAIRPERSON REYNOSO: the Teamsters in
22 there. It worked out and I'm hearing that things are
23 going very well. So--

24 JESSICA YANTZ: Yes. Thank you for your
25 support.

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2 CHAIRPERSON REYNOSO: Yes. And I know
3 that when you said they are the exception and not the
4 rule, we know that. But congratulations again.
5 You're one of the fortunate ones have a job at Simms.
6 So--

7 JESSICA YANTZ: Yes. Thank you.

8 CHAIRPERSON REYNOSO: Yeah.

9 ALEXIS ROBINSON: Hey. How are you doing?
10 My name is Alexis Robinson. I used to work for
11 Sanitation Salvage. I was with them for two years
12 off the books for 80 dollars a night. I was doing
13 like 14 to 15 hours an hour every day and, you know,
14 it took a year for me-- after the two years I was
15 off the books, I end up being a year later on the
16 books getting paid 15 dollars an hour, but, you know,
17 the work that we were doing was crazy because we were
18 all over and why it was times that I used to get off
19 the route and, by the time I knew it, it was already
20 time to go back to work. And I used the like, yo,
21 how I am-- how my going to do this? And I just
22 would be scratching my head and, you know? Later on
23 things started happening. We ended up just trying to
24 go through it and, you know, I just sort the best way
25 I can and, you know, after they shut down, I was out

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2 of work for almost like almost a year and, thanks to
3 813, they got involved in, you know, they help me and
4 now I started working for Action. 813 helped me get
5 that position. I appreciate them and now I'm just
6 looking forward to do well. I'm looking forward to,
7 you know, getting my CDL because I'm only 22 and, you
8 know, just trying to get-- do bigger things now
9 because now I've got to a daughter on the way. I
10 mean, I've got a daughter now. So, I'm just trying
11 to, you know, do bigger things now.

12 CHAIRPERSON REYNOSO: Can you speak to
13 your experience like comparatively of like Action
14 Sanitation Salvage? Is there--

15 ALEXIS ROBINSON: Well, as--

16 CHAIRPERSON REYNOSO: Is there a
17 difference?

18 ALEXIS ROBINSON: That's a good question.
19 You know, it is a big difference. You know, I feel
20 like with Action I feel like I'm a part of something
21 and with Action family now. You know, they make sure
22 I'm good and, in the routes are not as crazy like
23 salvage. You know, if you do too many hours, the
24 next day they're making sure you get that day off so
25 you can rest and be prepared for the following day,

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3 which is the smart thing to do and Salvage never did
4 that. They use to make you work through it.

5 CHAIRPERSON REYNOSO: Well,
6 congratulations to you. I remember you testifying in
7 the past. I'm happy to hear that you are in a place
8 where you're comfortable doing some work. So,
9 congratulations to you and thank you for your
10 testimony, as well.

11 ALEXIS ROBINSON: Thank you so much. I
12 appreciate it.

13 CHAIRPERSON REYNOSO: I'm glad things are
14 turning around.

15 ALEXIS ROBINSON: Yeah.

16 CHAIRPERSON REYNOSO: Get that CDL. All
17 right?

18 ALEXIS ROBINSON: Yeah, I am.

19 CHAIRPERSON REYNOSO: There's free
20 classes for CDL licenses.

21 ALEXIS ROBINSON: Uh-huh. Yeah. I know.

22 CHAIRPERSON REYNOSO: All right. Don't
23 let them turn to for it. All right. Thank you.
24 Thank you.

25 ALEXIS ROBINSON: All right.

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2 CHAIRPERSON REYNOSO: I think you are
3 off. I think you are off.

4 DYLAN OAKLEY: Am I on now? All right.

5 CHAIRPERSON REYNOSO: There you go.

6 DYLAN OAKLEY: Good afternoon, Chairman
7 Reynoso and staff and everyone who's stuck it out
8 today. My name is Dylan Oakley and I am the chair of
9 the Legislative Committee of the Brooklyn Solid Waste
10 Advisory Board, also known as the BK SWAB. The BK
11 SWAB is a volunteer citizen's organization with the
12 mission of helping New York City achieve its zero-
13 based goals. Our members are appointed by the
14 Brooklyn borough president and tasked with advising
15 the borough president, city councilmembers, city
16 administration, New York State legislature, and
17 others on matters related to materials management
18 and, specifically, waste prevention, recycling, and
19 other beneficial reuse. The BK SWAB respects that
20 transitioning NYC's commercial waste collection
21 sector to a zoned franchising system is a complicated
22 issue, politically and otherwise and that it will be
23 hard to overstate the implications and impacts of
24 this plan and how it is implemented will have for a
25 long time to come. While there is no consensus among

2 our members around the franchising approach, let
3 alone the particulars of how the zone maps are to be
4 drawn or how many licensees are assigned per zone, we
5 do see this debate and potential subsequent
6 transition. As a chance for the city to reaffirm its
7 commitment to a zero waste future. While we are
8 heartened by the city's efforts in recent years to
9 increase commercial recycling rates, notably by
10 simplifying the commercial recycling roles and
11 expanding organics collection requirements, confusion
12 still abounds in the NYC workplace around recycling.
13 While many companies and organizations have
14 contemplated robust recycling cultures, far too many
15 others simply have no recycling program. While
16 others still make inconsistent efforts with
17 inadequate results. With many commercial tenants
18 desire to recycle, a lack of understanding all too
19 often exists around the roles and responsibilities of
20 employees, building management and operations staff,
21 and the carders themselves, braiding skepticism
22 around recycling endeavors and further discouraging
23 participation and diversion efforts and ownership of
24 one's position in the lifecycle of materials. Intro
25 1574 makes reference to outreach and education of

3 commercial tenants and several different passages,
4 including as an element, potential franchisees plan
5 to support reduction, reuse, and recycling among
6 commercial establishments within the zone. Elsewhere
7 in the legislation, outreach and education seems to
8 refer simply to help customers transition to a zoned
9 collection system. We believe this is a significant
10 opportunity to provide true outreach and effective
11 education regarding the value of the city's zero
12 waste goal. Such awareness of the importance of the
13 commercial sectors participation and waste reduction
14 and diversion efforts has always been missing and,
15 yet, is crucial for any hope of progressing towards
16 the city's stated target of ending the export of
17 waste to landfill. We would like to see the goals,
18 methods, and means of the outreach and education
19 referred to in this legislation more clearly stated.
20 Lastly, another tool for waste reduction in diversion
21 referenced more than once in intro 1574 is waste
22 audits and not bill includes a requirement that the
23 designated carders offer third-party waste audit
24 services to all customers. We would go further and
25 recommend that customers be required to undergo a
third-party waste audit at the start of the agreement

2 with the carter. And then, at regularly occurring
3 intervals, as determined by the department
4 thereafter. Such requirement would provide
5 actionable visibility into a ways generators
6 performance and progress and meeting reduction or--
7 excuse me. Reduction or diversion goals established
8 by the department. The audit would provide the
9 groundwork for waste generators to evaluate their
10 material flows and devise reduction in diversion
11 strategies from making informed procurement decisions
12 to employee training which would, of course, be
13 incentivized by the pricing structures framed in this
14 bill. Such insight into the changing competition of
15 commercial material outputs would be invaluable for
16 the transport, processing, and disposal of recycling
17 industries and would provide a considerable boost to
18 the field of zero waste advisement professionals.
19 The city has successfully revolutionized awareness of
20 energy performance and its built environment through
21 acquired energy benchmarking, compulsory energy
22 audits, and now mandated greenhouse gas admission
23 caps for buildings. Why not do the same for
24 materials waste. Thank you for the opportunity to

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2 testify today. BK SWAB looks forward to helping New
3 York City become a truly zero waste city.

4 CHAIRPERSON REYNOSO: Thank you for your
5 testimony and let Brooklyn SWAB know the I said
6 you've got to pick a side.

7 DYLAN OAKLEY: All right.

8 CHAIRPERSON REYNOSO: All right? But
9 thank you for your testimony. I appreciate it.

10 MICHAEL GREELY: Hello, Chairman
11 Reynoso. My name is Michael Greely. I'm testifying
12 on behalf of Manhattan Community Board Five which
13 represents the central business district of
14 Manhattan. CV five supports the stated goals of
15 DSNY, but cannot support any plan that risks a
16 reduction in service and implores both the department
17 of sanitation and the city Council to please
18 integrate our concerns into any carding plan that is
19 established. To summarize our five main concerns, CB
20 five requests to see underlying data for the
21 department's claim that VMT will drop in Midtown,
22 while insist service levels will not change. Without
23 the data, it is difficult to us to square the claim
24 with what we see on the ground. Almost every block
25 with a multitude of constantly evolving commercial

2 businesses that generally have different volumes of
3 several waste streams and require and request
4 different pickup times. Second, we ask for better
5 communication to the public and industry. This
6 should be done by defining clear-- by clearly
7 defining responsibilities between DSNY and BIC and by
8 creating both affective 311 complaint drop-down
9 options and community advisory boards for each zone.
10 Third, specialize carders will always be needed. We
11 request an effective incentive for subcontracting to
12 both small and minority and women owned carting
13 businesses. Fourth, we request a zone by zone phase
14 in, try the new plan and several sub zones like
15 business improvement districts. Look for unforeseen
16 issues, problem solved, and once standards have been
17 met, roll out the program to other zones. And,
18 finally, the department of health community air
19 survey ranks Manhattan CB five as the highest in the
20 city for fine particulate air pollution, which is
21 largely attributed to diesel fuel exhaust.
22 Connecting this fact with VMT, we ask that any plan
23 would include a requirement for commercial carders
24 and subcontractors to eventually only use electric
25 vehicles. Thank you for your time.

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2 CHAIRPERSON REYNOSO: Thank you for your
3 testimony. Thank you to the panel. And this is the
4 last panel. Everyone that is still here, thank you
5 so much. You are the real heroes. You are the true
6 MVPs. And we're going to adjourn this meeting.

7 [gavel]

8 [background comments]

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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 July 12, 2019