



sanitation

Jessica S. Tisch Commissioner

**Testimony of Gregory Anderson
Deputy Commissioner for Policy and External Affairs
New York City Department of Sanitation**

Oversight – Waste Equity, Transfer Stations, and Commercial Waste Zones

New York City Council Committee on Sanitation and Solid Waste Management

**Friday, April 29, 2022
11:00 A.M.**

Good morning Chair Nurse, and members of the City Council Committee on Sanitation and Solid Waste Management. I am Gregory Anderson, Deputy Commissioner for Policy and External Affairs at the NYC Department of Sanitation. I am joined by Justin Bland, Director of Commercial Waste for the Department, and David Feldman, Deputy Commissioner of Legal Affairs and General Counsel for the Business Integrity Commission. Thank you for the opportunity to testify today on these important topics related to commercial waste in New York City.

First, I want to say how thrilled I am to be testifying here in person, for the first time in two years. This has been an exciting two weeks for the Department of Sanitation, with a new Commissioner, new and restored programs, and millions in additional funding that the Commissioner and Mayor, along with many members of this Sanitation Committee, have announced over the past two weeks. Commissioner Tisch looks forward to the opportunity to discuss these and more topics at the Executive Budget hearing in just 11 days.

While DSNY collects trash and recycling from residential buildings, approximately 90 different private carters crisscross the city each night to service the city's 100,000 commercial businesses. The private carters dispose of waste at a network of private transfer stations and recycling facilities in New York City and around the metropolitan region. This Administration is committed to implementing critical reforms to this system, including Commercial Waste Zones. We are also committed to working with the City Council to continue these efforts in the future, especially as we begin the planning for our 2026 update to the City's Solid Waste Management Plan.

New York City's Solid Waste Management Plan

Let me begin with some history that explains where the City is today in terms of waste management. In 2006, the New York City Council adopted the City's Solid Waste Management Plan (SWMP). The SWMP is a fair, five-borough plan to sustainably manage New York City's waste and offer flexibility and resiliency in the case of a natural disaster or other emergencies. The SWMP mandates a shift from waste export by long-haul trucking to a system of marine and rail transfer stations spread throughout the five boroughs, and the SWMP's implementation has provided NYC with new world class infrastructure. In total, the SWMP has reduced truck traffic associated with waste export by more than 60 million miles per year, including more than 5

million miles in and around New York City. It has slashed greenhouse gas emissions by 34,000 tons annually.

After the closure of the Fresh Kills landfill, almost all of New York City's waste was exported by long-haul truck from privately-operated transfer stations. Because of zoning and siting restrictions, these stations were, and still are today, predominately located in three neighborhoods in North Brooklyn, Southeast Queens, and the South Bronx. The SWMP is based on the concept of borough equity, and it has steeply reduced truck traffic associated with waste collection and hauling in these communities.

The SWMP called for the creation of eight rail or barge-based transfer stations along with the use of an existing energy-from-waste facility in New Jersey. Together, these nine facilities make up a resilient and reliable network for the export of waste. They also create new waste transfer capacity that has allowed the City to permanently reduce permitted capacity at transfer stations in historically overburdened communities.

Private Transfer Stations

While the SWMP has transformed the residential waste export system with a focus on rail and barge export, private carters continue to rely on a network of private putrescible and construction and demolition (C&D) transfer stations that largely export waste by truck. These transfer stations perform an important service for New York City every day, helping NYC's businesses small and large dispose of the waste and recyclables they generate in their day-to-day business.

Local Law 40 of 1990 granted DSNY regulatory, permitting and enforcement authority over waste transfer facilities. After that law was adopted, DSNY enacted a stringent and comprehensive set of operating rules governing the use, conduct and operations of transfer stations. DSNY also adopted strict siting rules to restrict new transfer stations and increases in permitted capacity, and the siting rules increase in stringency based on the existing concentration of permitted transfer stations in a given community district. As a result of these regulations, no new transfer stations have opened in historically overburdened communities in at least 15 years.

The Department's Permit and Inspection Unit aggressively regulates the activities of all private transfer stations operating throughout the city by making unannounced visits to conduct thorough inspections of every putrescible and C&D transfer station an average of once per week. The vigorous inspection and enforcement efforts by the Department have contributed to an overall reduction in the number of transfer station permits by nearly two-thirds since Local Law 40 was enacted in 1990, to just 38 putrescible and C&D transfer stations permitted today. In the first three months of 2022, DSNY conducted 1,000 inspections at these facilities, and the Department has averaged 4,800 total inspections annually over the last three years.

New York City's Waste Equity Law

In August 2018, City Council passed Local Law 152, also known as the Waste Equity Law. LL152 required DSNY to reduce the permitted capacity of putrescible and non-putrescible transfer stations in four designated community districts.

LL152 required DSNY to reduce permitted capacity at transfer stations in Brooklyn Community District 1 by 50 percent and in Queens Community District 12 and Bronx Community Districts 1 and 2 by 33 percent. The law also allowed for certain limited exemptions to the reductions in permitted capacity for activities consistent with the City's goals. It allowed these limited exemptions for processing recyclables and organic waste and for diverting construction and demolition debris to beneficial use. The law also fully exempted facilities that export waste by rail and have on-site rail infrastructure. LL152 allows facilities to request a one-time permit increase of up to 20 percent to accommodate future growth in capacity for processing recyclables or organic waste.

From October 2019 through September 2020, the Department implemented reductions in permitted capacity at 22 facilities that hold a total of 24 transfer station permits. In total, the reductions implemented pursuant to LL152 cut permitted capacity in the four designated districts by 10,137 tons per day. Since October 2020, there have been no additional reductions to permitted capacity.

Four putrescible transfer stations located in the designated districts have opted to reserve a portion of their capacity exclusively to process source-separated organic waste for beneficial use. In total, these facilities reserved 377 tons per day of capacity to process source-separated organic waste, and this reserved capacity was excluded for the purposes of determining reductions in permitted capacity pursuant to LL152.

The total amount of waste handled at private transfer stations in NYC decreased from an average of 19,102 tons per day in 2019 to 15,912 tons per day in 2020. While some portion of this decrease is attributable to the permitted capacity reductions imposed under LL152, it is likely that a greater share of the decrease is attributable to the disruption to the commercial waste market associated with the COVID-19 pandemic. In the third quarter of 2021, the most recent period for which data are available, daily throughput at NYC transfer stations was 16,679 tons per day.

Commercial Waste Zones

In 2019, the City Council passed Local Law 199, requiring the establishment of Commercial Waste Zones (CWZ) throughout NYC. This exciting initiative came after of years of planning, analysis, and stakeholder engagement. Once implemented, the CWZ program will create a safe and efficient commercial waste collection system that advances the City's sustainability and zero waste goals while providing high-quality, low-cost service to NYC businesses. The new system is expected to nearly double the commercial diversion rate for recyclables and organic waste.

The concept behind Commercial Waste Zones is simple: instead of up to 50 carters operating in a single neighborhood on a nightly basis, there will be just a few. These companies will be selected through a competitive request-for-proposals (RFP) process that will identify the carters that can provide excellent service with the highest standards at low prices for each area. The resulting contracts will include standards for pricing, customer service, safety, environmental health, and requirements to promote the City's zero waste and sustainability goals.

The new system is expected to reduce commercial waste truck traffic by more than 50 percent, eliminating millions of miles of truck travel in every neighborhood in New York City, cutting air pollution and reducing the time it takes workers to complete their routes. The new system will nearly double the commercial diversion rate for recyclables and organic waste. Commercial

Waste Zones create a safer, fairer and more sustainable commercial waste than the system that operates today.

This Administration and our new Commissioner are laser-focused on achieving the sustainability, safety, and other goals of this program while also ensuring we create a system that works for all New York City businesses, including the small businesses that are vital to our City's economic recovery. It is important that we build a system that provides these businesses high quality service with transparent and affordable pricing.

The Department released Part 2 of the request for proposals (RFP) for Commercial Waste Zones in November 2021, and responses are now due on July 15, 2022. This second and final part of the RFP requests detailed plans and pricing proposals from the 50 responsive companies that responded to Part 1 of the RFP last year.

The Department issued several final rules prior to the release of Part 2 of the RFP, providing detail on the regulations and requirements carters will be subject to under the CWZ program. These include the designation of the 20 zone boundaries, customer service, recycling and organics, operational requirements within zones, safety and training, waste generation audits, and an administrative fee. Future rulemakings will be conducted to establish reporting and recordkeeping requirements, establish the transition dates for each zone and define the protocol for ensuring every customer has a carter at the end of their transition period.

DSNY is currently staffing up a new Bureau of Commercial Waste to continue the implementation of this program, including outreach staff, technical experts, and contract administrators. We expect to finalize the contracts by the end of the year and begin customer transition in 2023. The zones will be transitioned in phases over a period of up to two years.

Thank you for this opportunity to testify this morning on these important topics that impact all New Yorkers. My colleagues and I are now happy to answer your questions.



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

ANTONIO REYNOSO

Brooklyn Borough President

**New York City Council Committee on Sanitation and Solid Waste Management
Oversight Hearing: Waste Equity, Transfer Facilities, and Update on Commercial Waste Zones
April 29, 2022**

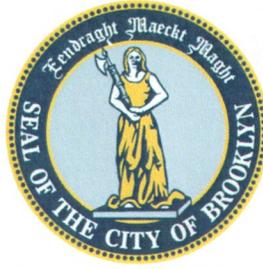
Good morning, I am Brooklyn Borough President Antonio Reynoso. Thank you so much to Chair Nurse for giving me the opportunity to speak today. I also want to take this opportunity to welcome Commissioner Tisch to DSNY, I'm very much looking forward to working with you.

I'm very excited to be here today to talk about waste equity and commercial waste zones, two policies that are very close to my heart. As Chair of the Council's Sanitation Committee for eight years, developing these pieces of legislation and seeing them passed were two of my biggest priorities, and two of the victories of which I am the most proud. I really appreciate Chair Nurse holding this hearing so that we can continue to publicly track DSNY's progress toward implementation of these bills.

Waste Equity

I want to start with waste equity, a policy I championed even before I became a City Councilmember. This bill was so personal to me, because growing up on the Southside of Williamsburg, I saw firsthand the impact that pollution from waste trucks was having on my health and the health of my friends and family. The fact that waste transfer stations were concentrated in three communities of color in this city – North Brooklyn, the South Bronx, and Southeast Queens – was no accident. It was because of decades of racist planning policies that sited these facilities next to low-income communities of color. And these communities have suffered the health and safety consequences as a result. I fought to reduce waste processing capacity at the facilities in these districts to help provide these neighborhoods some relief. The legislation also included a cap on new facility siting so that no other community could become the next dumping ground.

I hope that this new Council will uphold this important legislation, and help us go even further by encouraging existing facilities to transport waste by rail and barge when possible, rather than by truck. I also am excited for the potential of private carters to use the City's Marine Transfer Stations, which will be allowed for the first time under Commercial Waste Zoning. The MTSs exist thanks to the environmental justice community's work on the City's Solid Waste Management Plan, and expanding their use will help further reduce truck traffic in overburdened communities.



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

ANTONIO REYNOSO

Brooklyn Borough President

Commercial Waste Zoning

This brings me to the next topic, commercial waste zoning (or as we refer to it, CWZ). I was also proud to champion this legislation, which will transform the commercial waste industry. According to DSNY's own calculations, implementing CWZ will:

- Dramatically reduce greenhouse gas emissions from the private carting industry and, as mentioned, deliver on environmental justice commitments;
- Improve our city's diversion rates for recycling and organics;
- Make our streets safer; and
- Improve conditions for workers in the industry.

After passing this bill in 2019, I have been disappointed that DSNY has delayed implementation for two years. I understand that the pandemic caused unique challenges for every industry, including sanitation, but the most recent delay of the RFP response deadline from April to July is concerning. Chair Nurse and I, along with Comptroller Lander, Manhattan Borough President Levine, and 30 Councilmembers delivered a letter to DSNY in March expressing our desire to see this program implemented as soon as possible, and I want to underscore that today. Every day we wait, our communities breathe more dirty air, more workers are exposed to dangerous working conditions, and we get further and further away from our City's zero waste goals as more recyclable and organic commercial waste is unnecessarily sent to landfills.

I want to conclude by acknowledging that, though we're not even close to done fighting to overhaul how our city handles its waste, we've made major progress in the name of justice and sustainability, and it's important to celebrate our victories. I especially want to acknowledge the NYC Environmental Justice Alliance, New York Lawyers for the Public Interest, Natural Resources Defense Council, the Teamsters, and the entire Transform Don't Trash coalition – this absolutely could not have happened without you. To Chair Nurse, thank you for carrying on the work we started and for using your platform to focus on important policies like these. And finally to DSNY, thank you for having vision bold enough to shake up broken systems. Let's keep doing that together. Thank you.



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

**City Council Committee on Sanitation and Solid Waste Management
Oversight Hearing on WasteEquity
April 29th, 2022**

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

At NYLCV we firmly believe that an extensive, eco-friendly, and equitable waste management system is essential to the cleanliness and health of our City. If we are to achieve the City's goal (and soon to be mandate) of eliminating all waste sent to landfills by 2030 and improving quality of life for all residents, we must be investing in expansions and comprehensive overhauls to our waste management systems and programs.

New York City produces more than 14 million tons of trash every year. Waste in landfills releases methane, a potent greenhouse gas, and 120,000 metric tons of carbon dioxide. One third of our waste is organic materials, making a city-wide organic recycling program long overdue, so we are elated that we have so many bills introduced yesterday to help tackle this issue.

Communities of color and low income communities are most often located near polluting facilities, like waste transfer stations and incinerators, whose emissions are exacerbated with increased waste. These higher rates of pollution caused by waste cause disproportionately higher cases of asthma, cancer, and other health issues and compound existing environmental and racial inequities in these same communities. Creating a more reliable and accessible composting system would make the separation of food waste equitable and efficient, as well as reduce its emissions from transportation and decomposition.

Mayor Adams just announced increased investments in a containerization pilot. We must continue to adopt design guidelines for buildings and implement containerization on our streets to streamline waste collection and prevent buildup on sidewalks and trashrooms. This would reduce rodents, improve aesthetics, and overall better experiences for workers, small businesses, families.

Finally, we need commercial waste zones implemented as soon as possible. We are glad that the Department of Sanitation has made progress on this, but we can't afford any more delays.

Expanding our composting and recycling systems and improving trash pick up routes will increase diversion rates from landfills and reduce unnecessary emissions, especially for marginalized communities impacted the most. Reducing the millions of tons of solid waste we send to landfills and incinerators annually is critical to reducing air pollution in Black and Latinx communities and curbing greenhouse gas emissions caused by waste disposal.

The leaders in our council have shown us that they are willing to be bold on waste management, we are very excited to see all of the bills introduced yesterday move through and we are excited for the work to come.

Thank you.



April 29, 2022

Founders

Vernice Miller-Travis
Peggy M. Shepard
Chuck Sutton

**Testimony of Lonnie J. Portis, Environmental Policy and Advocacy
Coordinator at WE ACT for Environmental Justice**

Board of Directors

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**To the New York City Council Committee on Sanitation and Solid
Waste Management**

Secretary

Nancy E. Anderson, Ph.D.

**Regarding Waste Equity, Transfer Facilities, and Update on
Commercial Waste Zones**

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Good afternoon Committee Chair Nurse and Committee on Sanitation and
Solid Waste Management:

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Thank you for an opportunity to testify..

I am Lonnie J. Portis, Environmental Policy and Advocacy Coordinator at WE
ACT. I routinely analyze New York City policies and programs for equity and
climate justice and co-lead a group of community members mobilized around
waste and sanitation problems in Northern Manhattan.

Low-income communities and communities of color throughout New York
City have historically been burdened by a disproportionate number of
pollution-generating facilities such as factories, power plants, bus depots,
sewage treatment plants, garbage dumps and transfer stations, and trucking
centers. This inequitable siting has turned these communities into
environmental sacrifice zones, with the cumulative impacts of these multiple
sources of pollution exponentially harming their residents, causing health
impacts such as asthma, lung and heart disease, increased birth defects, and
learning impairments.

I want to stress the importance of upholding New York City's Waste Equity
Law and implementing Commercial Waste Zones especially in light of the
New York State Senate and Assembly passing cumulative impacts legislation.

A more detailed written testimony will be provided after this hearing and WE
ACT is looking forward to working closely on this committee on zero waste
initiatives.

Lonnie J. Portis

Environmental Policy and Advocacy Coordinator | WE ACT
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Testimony of
Frederick Schneider, Business Manager
Waste Material Recycling and General Industrial Laborers' Local 108
Before the Committee on Sanitation and Solid Waste Management
Re: Oversight - Waste Equity, Transfer Facilities, and Update on Commercial Waste Zones
April 29, 2022

Good morning, Chairwoman Nurse and distinguished committee members. I come before you today as Business Manager of the union that represents far more workers in the private sanitation industry in New York City than any other union. The 800 plus hard-working men and women of Laborers Local 108 do the arduous, dangerous and dirty work of collecting and sorting New York City's commercial waste.

Before Local 108 organized this industry, it was—at best—a minimum wage or sub-minimum wage profession, dominated by organized crime, and very dangerous to both its workers and the general public. In fact, the federal Bureau of Labor Statistics still cites private sanitation as among the most dangerous industries in the country. Unfortunately, wrong-headed policies imposed by the City of New York seem specifically designed to return the industry to its former shameful status.

Local Law 199 of 2019, a law to amend the City charter and the administrative code in regards to solid waste management, stated that part of its legislative intent was to remedy the ills of private sanitation in New York, noting that the industry "...is plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service"; "...lacks strong customer service standards, and pricing remains opaque to most customers."; that the Council "...finds that the safety risks inherent to private carting are exacerbated in New York City,"; and that as a solution to the issues raised "...carters are required to operate more responsibly and adequately train workers...".

Yet policies of the City of New York are not only preventing this, they seem motivated by the desire to create a race to the bottom for workers in private sanitation. Many of our unionized contractors have embraced the environmental and safety concerns of Local Law 199. First and foremost, they have unionized their workers, providing the training and worker representation that protects these vulnerable employees. Additionally, some of our contractors have proactively—not under any legal mandate at the time—enclosed their waste transfer stations to contain odors and other effluvia, traded in their old-school packer trucks for clean, green eco-friendly, low-emission vehicles, and installed bike guards (also known as "side guards") on their vehicles to protect the bicycling community, among other actions.

All of these improvements are applauded and sorely needed, and our contractors took it upon themselves unilaterally to help clean up the industry. Of course, these types of improvements don't come cheap...they cost money...a lot of money. For instance, installation of bicycle guards can cost upwards of an additional \$3,000 per vehicle. Conventional garbage trucks cost about \$250,000 each, but the eco-friendly hybrids cost about \$500,000 each. And depending on the size of a transfer station, enclosing these facilities can literally cost in the millions of dollars.

Where the City of New York becomes complicit in continuing the dirty and dangerous practices that have plagued the industry forever comes through the Business Integrity Commission (BIC), which oversees the private sanitation industry. The BIC is authorized to establish maximum and minimum rates

that private carters can charge for almost all types of garbage and recyclable carting services. A customer cannot be charged above the maximum rate, and the customers and carters are even allowed to negotiate a rate below the maximum. We believe this is a good policy. It protects the restaurants and bodegas and other small businesses from both the bad actors in the industry as well as huge national corporations that we expect will soon attempt to monopolize the industry due to changes made by the prior City Council.

The problem is the BIC has not, and seemingly will not, establish a minimum rate to be charged, even though they are authorized to do so. The current maximum charge as determined by the BIC sets the top rate at \$20.76 per cubic yard. Our responsible contractors, with a unionized workforce, with green trucks and enclosed transfer stations, generally charge around \$19 per yard. The bad actors of the industry, those who exploit a mostly Black and brown workforce, the bottomfeeders who have dangerous and un-environmentally friendly rattletrap trucks zooming all over the streets of New York, have been known to charge as little as \$5 or less per yard.

When the BIC determines that over \$20 per yard is a just price, a price where contractors can pay fair wages and benefits and operate in a safe and environmentally responsible way, how can they say on the other hand that carters can also charge a quarter, a tenth, a twentieth of the responsible rate and still expect the mandates of Local Law 199 to be met? How are responsible contractors who need to charge \$19 per yard in order to pay real wages and benefits, and who operate businesses in a responsible manner, supposed to compete with contractors who are allowed to charge \$5 per yard, \$4 per yard, \$2 per yard?

This failure by the BIC is nothing more than official New York City sanctioning and facilitating of the exploitation of workers. It enables substandard services to the City's already struggling business community, and forces a largely immigrant workforce to work for not just less than a living wage, but in many cases, less than the minimum wage. New York City is wholly responsible for this race to the bottom. It's an absolute disgrace, that this city, which considers itself a bastion of progressivism, maintains official policies that serve no other purpose than to encourage the exploitation of a certain workforce.

To cure some of these greatest ills of the private sanitation industry, the BIC should be mandated by law to set a price ceiling *and* a price floor. A floor that is a high enough percentage of the maximum to allow responsible companies to compete against the criminals and lowlifes that proliferate in the industry. Clearly, allowing the BIC to set rates as a matter of policy isn't working, because their proactive choice to force private sanitation to be an industry that must exploit workers and businesses in order to compete says to the New York City Council "we don't care what you think and we don't care about your silly legislation." Local Law 199 was duly passed by the last City Council. It is imperative that the current Council, widely praised as the most progressive in history, address the intentionally regressive policies of the petty and anti-worker bureaucrats at the BIC and make them—as a matter of law—establish a minimum rate that ends the official New York City-sanctioned exploitation of workers.

Thank you,



Brooklyn Solid Waste Advisory Board

Testimony for Oversight hearing on Waste Equity, Transfer Facilities, and Commercial Waste Zones

29 April 2022

Brooklyn Solid Waste Advisory Board (BkSWAB) is pleased to present testimony relating to waste equity, transfer facilities and the Commercial Waste Zones. We thank the New York City Council's Committee on Sanitation and Solid Waste Management for holding this hearing. BkSWAB exists to represent the Borough of Brooklyn on matters related to waste and recycling, and advise elected officials accordingly.

Waste equity overlaps with environmental justice. In terms of access to services, the continued lack of adequate provision of services to NYCHA developments - totalling over 118,000 residents in Brooklyn and almost 360,000 citywide - is a major oversight. Notwithstanding the fine work of organizations such as Compost Power and Inner City Green Team, NYCHA residents remain unable to easily recycle their metal, glass, plastic, and paper, or compost their food scraps.

Further development of the City's Zero Waste programs offers an opportunity to redress this imbalance. The recent - and sadly curtailed - return of curbside composting was, due to the program methodology, limited to relatively wealthy, predominantly white neighborhoods; while the pilot of smart bins for organics took place in Astoria and Manhattan's Financial District, two neighborhoods already amply served with local composting facilities. Future pilots should be targeted in areas that stand most to benefit from these services.

Any pilots that result in less food waste in trash bags on the streets will have the added benefits of reducing both litter and rats. On the basis of these two increasingly important social issues, such pilots and any subsequent expansion of curbside food waste collections should be brought to bear on neighborhoods where these problems are most prevalent.

The possible revival of the CORE Act by CM Keith Powers is a welcome development. The legislation aims to establish three processing centers for organic waste, electronics and textiles in every Community District - a rare example of equity of access. Local collection and processing of waste, where feasible, has the potential to reduce truck miles, provide education and job opportunities throughout the City, and allow value to be retained locally. Of particular importance to Environmental Justice communities is the potential of organic processing centers to create livable wage green jobs, turning our waste stream into an income stream.

Regarding commercial carting, at a time when the City's myriad commercial waste haulers are being whittled down to just a handful by the implementation of the Commercial Waste Zones (CWZ) law, the need for decentralization is particularly acute. Resources from our communities need to be kept in our communities, not shipped to distant localities.

With regards to micro haulers, it is unclear to what extent they can be involved in the CWZ rollout. Whilst not required to be a formal sub-contractor, micro haulers under the CWZ rules can not consolidate waste outside of licensed transfer facilities - precluding the business models of some operators. In addition, the insurance requirements for micro haulers are onerous for the quantities involved. We hope that an accommodation can be found that will enable carters of all sizes to be involved in the program - especially given its stated intention of improving waste equity and allowing small entrepreneurs access to CWZ opportunities.

Thank you for your consideration.

The Brooklyn Solid Waste Advisory Board

Brooklyn Solid Waste Advisory Board:

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Members: Akhmoose Ari-Hotep, Anne Bassen, Sarah Bloomquist, Kendall Christiansen, Betty Feibusch, Suzan Frazier, Louisa Freeman, Pablo Garcia, Kevin Jaksik, Rhonda Keyser, Rose Lenoff, Celeste McMickle, Bella Muccari, Dylan Oakley, Michael Rieser, Vandra Thorburn, Greg Todd, Phil Vos



DSNY hearing on rules for commercial waste zones

April 29,2022

Testimony of Lauren Pine, Families For Safe Streets

Hello, my name is Lauren Pine and I am a member of Families for Safe Streets.

On November 15, 2017, I was crossing with the light in the crosswalk and was struck and dragged by a ten-wheel dump truck making a right turn. Watching the surveillance video, the truck had not slowed before turning.

Thankfully, bystanders yelled at the driver to stop. He had not even seen me. Had they not been there, I believe I would have been left alone, to be found dead later, like some cyclists have been.

An avid cyclist in NYC for over 24 years, I couldn't believe this was happening. I was awake the entire time, my left leg was pinned under the driver's side tire. Someone at the scene filmed me lying in the street, bleeding, and posted it online.

I was rushed to Bellevue Hospital, where I was put into a medically induced coma for four days. They eventually had to perform a hip disarticulation amputation, completely removing my femur. My broken pelvis had to be stabilized with an external fixation rod and 2 internal screws. due to high infection risk it could not be internally repaired. It is now uneven, causing pain when sitting or when wearing a prosthesis.

The skin on my remaining leg was degloved, the fat tissue on my thigh was immediately ripped from the muscle. Donor skin from my entire back was peeled off and used as a skin graft to cover my leg, which is one big scar over muscle, the protective fat layer never grows back. It is sensitive and bleeds easily, not to mention it looks like a gnarled bone. I have residual nerve damage and foot drop in my right leg, requiring me to use a brace and crutches, in addition to a prosthetic leg that weighs 18 pounds and is only operated using lower abdominal muscles. Hip disarticulations are less than 2% of all amputations, rarely performed due to the high mortality rate.

I live alone. My family had to come from the west coast to take care of me for the first year, taking turns and using all of their leave from work. My sister left her job and moved to live with me for six months. I suddenly found myself on disability, which is not a living wage. I have to rely on the charity of my community just to live day-to-day with expenses. I cannot walk more than a few blocks, and rely on Access-a-Ride for Para-transit, which can take many hours just to go to and from one medical appointment.

I use a manual wheelchair, but the pitch on the sidewalks in my neighborhood is so steep it's almost impossible. I also need help getting into and out of my apartment every single time I leave or come back, because there are four steps going into the building. The building is pre-1940 and does not have any feasible way to be modified. This is one of the exceptions to ADA accessibility. It is my problem and I have to move with my own expenses. I cannot afford to do that, especially not on disability.

People may complain about the cost of making the changes proven to prevent crashes, but failure to do so also comes not only with a horrific cost of lives lost and forever altered. It also has huge costs to individuals and to our City which often bears the costs in lost wages, medical bills, emergency services, and more.

I am here to give a face to this epidemic and show you what life is like for the thousands of people seriously injured in traffic crashes each year. Crashes like mine are preventable and I am fortunate to be alive.

If there is any silver lining to my story, it is that even if I cannot return to my former career as a nurse in a cancer center, I can use my voice and visible disability to volunteer and prevent more harm.

On behalf of Families for Safe Streets, I am here to implore the long overdue implementation of Local Law 1999 which was passed in 2019 to make the private sanitation industry safer, more efficient and greener.

Private sanitation trucks are among the most dangerous vehicles in our city. In 2019 a [City study](#) found that these trucks had claimed the lives of at least 43 New Yorkers since 2010. Today, large vehicles, including waste hauling trucks are involved in about one fifth of crashes where pedestrians, like myself, are killed or seriously injured.

By making collection routes shorter and holding these companies to enforceable safety standards, the commercial waste zone system will eliminate millions of unnecessary truck miles from our streets, reduce driver fatigue, and ensure that companies install basic safety measures like side guards and 360 degree cameras on their trucks.

The industry will not reform itself if we wait - in fact, data published by BIC shows that only 27% of heavy private waste vehicles have affirmatively installed side guards.

For the New Yorkers like myself who have been injured, killed, or are routinely threatened by these trucks, reform can not come fast enough. Local Law 1999 must be implemented without delay.

Thank you for your time.

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City Council Testimony on Local Law 199

Good morning, Council members,

My name is Domenic Monopoli, and I am the president of Filco Carting Company, a local family-owned carter that has been in business serving New Yorkers for over 100 years! I am the fourth generation in my family to lead Filco, and I am delighted to testify before the Council on Local law 199, and the bidding process that will transform the commercial waste hauling industry.

Filco has grown substantially over the past two decades, and now serves 10,000 customers, including major citywide accounts such as Verizon, Con Edison, and National Grid; and is under contract with NYC to service a wide range of city institutions such as the FDNY, the Department of Education, and the Department of Homeless Services on an as-needed basis.

Local Law 199 seeks to implement positive changes in the commercial waste industry by reducing truck traffic and emissions, improving safety, and providing a path toward zero waste. Filco unequivocally supports Local Law 199. We not only support these goals; we have also been implementing them as the company has grown. 5

We are optimistic because we have the experience and resources to execute the goals of Local Law 199. Filco is a company with a diverse workforce that represents NYC, and that has stood the test of time; growing and succeeding because of a commitment to excellence, and to NYC itself. Underscoring our optimism, we have expanded our infrastructure with the purchase of twenty-one new trucks.

While we continue to make significant capital investments in anticipation of the implementation of the new law, we encourage the Department of Sanitation to move ahead without further delay since the uncertainty that delay brings impacts the proposers' ability to make financial strategic plans-and causes undue worry with the more than one hundred New Yorkers who make our company as successful as it has been and, hopefully will continue to be, at the highest level of service to NYC businesses.

Local Law 1999 seeks to implement positive changes in the commercial waste industry. Not only do we support these goals; inherently they have been part of our natural ethos for the last 100+ years and we remain committed. Filco is a company with a diverse workforce that represents NYC, and has stood the test of time; growing and succeeding because of our commitment to excellence, and to NYC itself. We look forward to submitting our proposal and to working with the Department on a successful transition into Commercial Waste Zones.

- MSWAB TESTIMONY - SANITATION COMMITTEE PUBLIC HEARING - April 29, 2022

Waste equity in New York City means not only removing the unequal burden of pollution caused by waste removal from environmental justice communities, but providing equal access to waste collection for all communities. While we were encouraged to see a new mandatory city wide organics collection bill [announced by Council Member Hanif](#) on Earth Day at the request of Brooklyn Borough President Antonio Reynoso, we are concerned to see that public housing has thus far been excluded from the bill's proposed organics collection services. We are very much interested in learning more about this decision as well as other details of the bill.

It is imperative that public housing and NYCHA apartments be included in any waste collection legislation to ensure equitable access to waste services for residents and equitable development of city-backed sustainability programs. NYCHA's dismal recycling rate of just 1.5% is a testament to how a subsection of the City can fall behind when it is excluded from mandatory legislation for over 25 years. Including NYCHA in the decision-making and program design of the organics collection rollout avoids future challenges in the unequal infrastructure development and staffing procedures that NYCHA is currently navigating with recycling. Enhanced access to recycling and organics collection is also part of the [NYCHA Sustainability Agenda](#), and including NYCHA buildings in Council Member Hanif's bill would greatly support this goal.

For NYCHA residents, inclusion in the mandatory organics program signifies that they, too, are New Yorkers who can help the City battle the climate crisis by composting their organic waste. From an education and outreach perspective, DSNY's cost per person of a public-facing organics diversion campaign would decrease if NYCHA's over 500,000 residents could act on the campaign's message to reduce over 60,000 tons of organic waste per year.

CM Hanif's bill must also require and ensure adequate funding for not only more equitable access to collection (including public housing and NYCHA apartments), but also for the marketing, education, and outreach required to increase and maintain participation so trucks are filled. CM Hanif's announcement states that "DSNY would be tasked with outreach to educate residents about the curbside composting program, its benefits, and how to correctly separate organic waste. Hanif emphasized the need for language accessibility in those efforts." Education and outreach is essential for the success of the new program's implementation.

The Mayor's office was quoted, in the article referenced above, saying "he has consistently supported" the organics program and "believes we must find innovative ways to increase participation and uptake"; however, he must also call for ample funding for organics collection that will be spent strategically and wisely in order to increase participation. Currently, New York City will be spending approximately \$470M in FY23 alone to export its organic waste to be buried and burned in landfills and incinerators. We could much better spend these dollars on a more effective program that will cost less in the long run, create local infrastructure and green jobs.

We ask for more details to be provided for CM Hanif's bill as soon as possible to ensure there are adequate timelines, provisions, and funding to help ensure the success of a citywide, equitable, mandatory roll out.

[1 in 15 New Yorkers are NYCHA residents](#), and if NYCHA were a city, it would rank 34th based on population—larger than Atlanta, Miami, or Sacramento. Including NYCHA in all recycling programs is a requirement if New York City seeks to achieve its Zero Waste by 2030 goals. Local Law 19 of 1989, the City's first recycling law, should be updated to include mandatory organics collection along with a concrete plan to achieve Zero by 2030. Restricting a city organics program to neighborhoods that are not reflective of city demographics and planning will only hinder New York's climate goals. We urge City Council to propose a bill that includes mandatory organics collection for all New Yorkers.

The following chart summarizes the inequality of the current DSNY curbside organics collection program (in 7 districts) and shows how the demographics of the districts currently receiving service do not reflect the diversity of the overall New York population. Restricting a city organics program to neighborhoods that are not reflective of city demographics and planning will only hinder New York's climate goals. We urge City Council to propose a bill that includes mandatory organics collection for all New Yorkers.

Summary Demographic Data CDs BX08, BK01, 02, 06, 07 and MN06, 07 versus New York City²⁹

Community Districts Bronx 8, Brooklyn 1, 2, 6, 7, Manhattan 6 and 7	SUMMARY DATA ALL		New York City		Percent Pt. Difference Summary versus City
	Number	Percent	Number	Percent	
Total population	1,073,203	100.00%	8,804,190	100.00%	0
Hispanic/Latino (of any race)	232,586	21.70%	2,490,350	28.30%	-6.6
White nonhispanic	568,785	53.00%	2,719,856	30.90%	22.1
Black/African American nonhispanic	81,813	7.60%	1,776,891	20.20%	-12.6
Asian nonhispanic	136,260	12.70%	1,373,502	15.60%	-2.9
Some other race nonhispanic	11,438	1.10%	143,632	1.60%	-0.6
Nonhispanic of two or more races	42,321	3.90%	299,959	3.40%	0.5
Total housing units	531,211	100.00%	3,618,635	100.00%	0
Occupied housing units	481,237	90.60%	3,370,448	93.10%	-2.5
Vacant housing units	49,974	9.40%	248,187	6.90%	2.5
Average household size	2.16			2.55	-15.3
Population per acre	79.9			45.8	74.5



**Testimony of Justin Wood, Director of Policy of
New York Lawyers for the Public Interest
to the City Council Committee on Sanitation on April 29, 2022
Regarding Waste Equity and Commercial Waste Zones**

After more than two years of pandemic-related delays, New York City must move forward with a robust reform of the largest commercial waste system in the country.

As we've heard today, proposals from private waste companies to operate under the new Commercial Waste Zones system are finally due on July 15th – a milestone we eagerly look forward to. But the truly transformative potential of this step will depend on the details of the 10-year contracts that will be negotiated by the City Department of Sanitation (DSNY) and the waste industry in the coming months. This is an historic opportunity to both *decrease* waste, air pollution, and our carbon footprint and *increase* safety on our streets, justice for workers, and equity for overburdened communities.

Local Law 199, the Commercial Waste Zones was enacted in 2019 after years of advocacy and research by Transform Don't Trash NYC in close collaboration with members of the City Council and following an extensive, far-reaching stakeholder input process convened by DSNY. Our goal: more efficient, sustainable, and equitable practices in collecting and recycling more than three million tons per year of commercial waste generated by New York City's massive business sector.

As the new system is implemented over the next two years, for the first time, the dozens of private waste hauling companies now traversing city streets as they collect waste from about 100,000 businesses citywide will be organized into a rational collection system based on 20 geographic

zones. As conditions for continuing operations in their assigned zone(s), they will need to meet a series of long-overdue safety, customer service, and environmental standards.

Because the current commercial waste system is so grossly inefficient and nontransparent, we can look forward to rapid improvements as the CWZ kicks in over the next two years. For example, zoned collection is expected to eliminate up to [18 million unnecessary diesel truck miles](#) from our streets – the equivalent of driving a garbage truck to the moon and back 37 times – simply by enabling haulers to operate shorter, more efficient collection routes.

Transparency and data collection, in the private waste industry will also improve, as licensed haulers will for the first time be accountable to enforceable, long-term contracts with the City. We anticipate that safety standards in the industry will also improve as companies that have failed to make basic improvements (such as installing side guards and safety cameras on trucks) exit the market, and zones are awarded to more responsible actors.

However, these changes alone are not enough to address a spiraling climate crisis and longstanding, unequal pollution burdens from the commercial waste system.

Here are critical opportunities for this administration to realize the full promise of Local Law 199:

Use incentives, service improvements, and data to reduce landfilling and incineration of commercial waste as rapidly as possible.

Overall, our city has moved backward on waste reduction and recycling goals since the start of the pandemic. Residential composting programs have been halted and frozen, recycling rates have declined, and enforcement of a major new rule requiring food-related businesses to enroll

in composting services has been delayed until late July.

In the commercial sector, it's difficult to measure the scope of the waste disposal problem, as data from private waste facilities is sparse and relies heavily on self-reporting by the industry. What we do know is not promising. Transfer station data [published by DSNY](#) shows that private transfer station owners – including many hauling companies – have designated only one percent of the massive 35,000 tons per day of total permitted putrescible waste capacity to handle source-separated organic waste. Frontline workers and zero waste activists in retail and food industries [have consistently documented](#) that large amounts of edible food and usable items are being disposed in black bags and dumpsters by retail and food businesses.

Changing this behavior and implementing good reuse and recycling systems is low-hanging fruit for cutting emissions. We estimate that New York City could avoid a whopping [two million tons of greenhouse gas](#) emissions annually by bringing commercial recycling and composting rates up to those in Seattle, which has a robust and efficient collection and recycling system.

To enable these gains, the maximum price schedules to be negotiated in the CWZ contracts need to create strong incentives for businesses to reduce waste, donate usable and edible products, compost, and recycle to the maximum extent possible. To implement successful waste reduction and recycling programs, businesses will require new levels of customer and staff education, logistical support, and access to convenient food rescue and recycling services.

In addition to traditional, truck-based hauling services, the CWZ program should ensure that businesses across the city have access to a full array of expert waste auditors, local ["micro-hauler"](#) composting services, and food rescue services, and that businesses are fully supported and encouraged in adopting innovative approaches to waste reduction.

Make implementation of the CWZ system a way to improve air quality, safety, and equity for historically overburdened communities.

Commercial waste hauling and processing facilities continue to create grossly unequal burdens for communities where transfer stations, recycling facilities, and diesel truck yards are clustered: DSNY's [most recent report](#) on waste equity shows that over two-thirds of the city's commercial waste stream travels through the South Bronx and North Brooklyn.

The forthcoming CWZ contracts should create opportunities and strong incentives for haulers to instead utilize the City's existing marine transfer stations and barge-based recycling facilities as much as possible, to further reduce diesel truck miles and the huge volume of waste traveling through environmental justice communities.

The upcoming CWZ contracts should also include enforceable provisions to begin a transition to [zero-emissions garbage trucks](#) at a pace and scale that will accelerate domestic production of these vehicles and achieve a fully zero-emission by 2035, in sync with overall City and State goals.

Finally, CWZ contracts can leverage investments in cleaner and safer waste processing facilities to reduce air pollution, noise, hazards, and odors for adjacent communities and for workers, and ensure that hiring and workforce development opportunities are first targeted to local disadvantaged communities that have borne the brunt of pollution from solid waste and other fossil fuel infrastructure.

For all of these reasons, we cannot and should not be satisfied with simply making the existing truck-to-landfill waste system more efficient and transparent.

In the coming months, City Hall, DSNY, and BIC need to speak with one strong voice to achieve much higher standards and major investments in

waste reduction, green infrastructure, and equity from the industry over the next ten years.

Further delays would set us even further back from our climate and zero-waste goals and send the wrong signal to the waste industry. Now is the time to fully realize the transformational vision behind Commercial Waste Zones.

Justin Wood, Director of Policy
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NYLPI has fought for more than 40 years to protect civil rights and achieve lived equality for communities in need. Led by community priorities, we pursue health, immigrant, disability, and environmental justice. NYLPI combines the power of law, organizing, and the private bar to make lasting change where it's needed most.



Northeast Region

NWRA Testimony Before NY City Council Committee on Sanitation and Solid Waste Management

My name is Lew Dubuque, and I am the Vice President for the Northeast of the National Waste & Recycling Association (NWRA). NWRA represents the private sector waste and recycling services industry. Association members conduct business in New York City and all 50 states and include companies that manage waste collection, recycling and medical waste, equipment manufacturers and distributors, and a variety of other service providers. NWRA represents the hardworking men and women of the industry who collect and manage the waste, recyclables and organics produced by the more than 100,000 commercial entities in this great city.

I am here today to discuss the City's Commercial Waste Zone program. To be clear, nowhere in the US has such a zoning structure been adopted or implemented to this scale. We fully understand that this is an unprecedented and complex process. NWRA and our members share New York City's goals of promoting a modern and effective industry that is not just focused on providing its core services, but is re-focused on sustainability, zero waste, emissions reductions, and fair labor practices.

Stakeholders in the process – including both the service industry we represent and the business community that we serve - are pleased that the timeline for implementation of the program has been carefully considered and extended. This was done for a host of reasons not the least of which has been the upheaval of the local economy due to the COVID pandemic. We share with our customers the fact that reductions in everything from office workers, to theater goers, to restaurant activity, has dramatically impacted waste generation in the city, and therefore the collection services industry. Volumes are down and many businesses remain closed or are operating at greatly reduced levels. Office workers are still largely away from the office and tourism is yet to rebound, affecting hotels, restaurants and cultural institutions.

COVID has also impacted industry workforces with staffing challenged by not only COVID related absenteeism but also limited supply of skilled positions such as drivers and welders, as well as administrative support staffing across most functional areas;



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nationwide, the shortage of CDL drivers is requiring significant boosts in wages and benefits and restructuring of operations.

In addition to the obvious uncertainty of future solid waste volumes, and continued COVID re-opening challenges, implementation of such a significant and potentially confusing transition to a commercial franchise system requires a measured, thoughtful, and collaborative implementation process and timeline.

Significant aspects of implementation that have not been sufficiently considered or completed and will need to be addressed prior to awarding zones and during transition. These include:

- Updated customer data to better understand changes in waste volume and composition?
- Will joint ventures among long time competitors be allowed, and with what guidelines?
- What information on existing customers, service levels and pricing will be provided for new zone award winners?
- Will DSNY's Rail and Marine Transfer stations begin accepting commercial waste and on what terms including rates?
- How will local businesses handle the transition phase? Will DSNY cover gaps in service?
- Extent and frequency of reporting requirements remain unclear to both DSNY and the Business Integrity Commission.

To effectively address these issues, we urge the Administration to take the following steps:

- **Moratorium on new licensees:** it appears as if BIC is still issuing licenses to companies that have not been subject to the pre-qualification process, and therefore will be ineligible for a franchise award.
- **Timeline** We urge a measured and extended implementation timeline to ensure that customer service and account transitions are executed in an orderly and efficient manner. Further, award winners will need appropriate time to communicate, procure equipment and ramp staffing to onboard new

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customers and amend service levels. Sequencing the transition of zones to “test” the process is worth consideration, even if such a strategy extends the implementation timeline. Better to get it right than to rush such an unprecedented zoning implementation.

- **Implementation:** Engage effectively with industry on suggestions for orderly transition to the new zoning structure. The current Q&A approach prescribed by the CAPA process is inefficient and severely limiting in terms of the open and frank exchange of ideas, concerns, and solutions. There is a wealth of experience and knowledge in the industry that will inform and benefit the process.
- **Pricing Model:** The pricing model for containerized waste requested in the current RFP is deficient as the “Max Rate” concept ignores the predominant pricing model of service charge for collection plus charge for actual container weights. A single max rate ignores the important difference between a container that weighs 2 tons from one weighing 10 tons. We suggest that the RFP be amended to establish max rates for the service charge as well as the disposal charge, consistent with historical, transparent practices.
- **Pricing, overall:** We along with the business community are concerned that the cumulative effect of the CWZ systems many new requirements – along with general inflation and industry costs – will result in prices considerably higher than at present. Every effort should be made to minimize that possibility by a careful review of the proposed system.
- **Regulations:** DSNY must issue the remaining drafts, and finalize all outstanding regulations that affect in any way CWZ obligations and implementation.
- **Data:** Update all available data, including but not limited to number of commercial businesses; waste-generation of all types; fuel costs; disposal costs; recycling/organics processing costs; number of industry companies remaining; number of industry employees and their wage scales.



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- **Comprehensive Picture:** When all regulations are completed, and market data updated, DSNY should develop a comprehensive picture of the intended CWZ scheme and its implementation, and present it to key stakeholders, including the business community
- **Business Integrity Commission's Role:** Clarify/confirm whether/what BIC's role will be post-implementation.
- **Quality Control:** Subject the entire package to independent review for suggestions on final improvements.

Our New York City members would welcome the opportunity for a constructive dialogue on all of these issues. Again, I want to reiterate that we understand that this is an unprecedented and complex process, and will work with the City to help implement this vital program.

I appreciate the opportunity to speak with you and look forward getting answers to many of the concerns I brought up today. I also look forward to working with the New York City Council and advocating on behalf the New York City's private sector waste industry.

Thank you very much.



**TESTIMONY
OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP
BEFORE THE
NEW YORK CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT**

**April 29, 2022
New York, N.Y.**

Good afternoon. My name is Ryan Thoresen Carson, and I am the Environmental Campaign Coordinator for the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, not-for-profit research and advocacy organization. Consumer protection, environmental preservation, public health, healthcare quality, higher education affordability, and governmental reforms are our principal areas of concern.

We appreciate the opportunity to testify before the New York City Council Committee on Sanitation and Solid Waste Management on the need for an expanded and modernized Bottle Bill, ahead of its 40th anniversary this year. Our testimony will be centered on the critical need to expand the Bottle Bill to handle the city and state's ongoing waste crisis, brought on by China's recent decision to stop accepting American waste.

Introduction

Advocates across the state are pushing for a modernization of New York State's 40-year-old Bottle Deposit Law. The advocates' proposal would increase the deposit from a nickel to a dime and would expand the types of containers to sports drinks, iced teas, juices, wine, and liquor that New Yorkers consume each year. Dairy products and infant formulas containers would be exempt. The law has been extremely successful in boosting the state's – and city's – recycling rates and has reduced litter. Expansion would bring immediate and long-lasting financial and environmental benefits to the city's solid waste programs. It is essential that the Committee on Sanitation and Solid Waste support efforts to improve the state's Bottle Bill and call upon our elected officials in Albany to act now.

Enacted in 1982, the New York State Returnable Container Act (“the Law”), commonly known as “the Bottle Bill,” requires a 5-cent refundable deposit to be placed on eligible beverage containers. Upon passage, the Bottle Law covered only beer and soda sold in New York. (It was subsequently expanded to cover wine coolers and water bottles.) The Law requires retailers who sell covered beverages to accept returns of empty containers for the products they sell and to refund the deposits. The Law also requires beverage distributors to compensate retailers for the cost of collecting and recycling empty containers by paying them a small handling fee per container.

New York City and other municipal recycling programs are particularly struggling with glass breaking in their recycling streams. When glass breaks in curbside containers it can “contaminate” or render unrecyclable for the municipality much of the other materials. The expansion of the Bottle Bill to include non-carbonated beverage containers, wine, spirits, and hard cider would remove from curbside recycling a significant portion of the glass containers that municipal recycling programs are struggling with. Currently, glass containers pose a daunting

challenge for municipal recycling programs already grappling with a decision by China to stop accepting some of the United States' recyclate material (or recyclables).¹

Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers that are not covered under the state's Bottle Bill are too high for many municipalities. For example, the costs associated with collecting and processing PET plastic bottles and glass per ton are higher than revenues per ton for scrap material.² States that have a bottle deposit are 46% more likely to recycle PET plastic bottles than states that do not.³ Expanding the Bottle Bill would reduce or eliminate these costs for municipal programs by creating a financial incentive (the deposit) for consumers to return and an obligation (the law) for retailers to accept these containers, relieving the burden on local government recycling programs.

Municipal curbside programs and bottle deposit programs are more effective together and create a comprehensive approach to recycling. States with Bottle Bills have better recycling rates than non-deposit states. According to the *Container Recycling Institute*, states with Bottle Bills have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.⁴

Helping To Create Jobs

Adding containers and a higher deposit will likely create new jobs and benefit redemption center workers. It could also help increase the income of thousands of often poor, immigrant, elderly, or unhoused "canners," those who clean up empty redeemable containers from streets.⁵

A recent analysis has estimated that the Bottle Bill has created thousands of jobs in New York State.⁶ If the Law was modernized, that analysis estimated that an additional 4,145 direct jobs would be created.⁷ A further expansion of the bill to include non-carbonated beverages, wine, spirits, and hard cider would create greater opportunities for redemption center workers.

Doubling the bottle deposit would increase the rate of redemption while also boosting the money pocketed by the "canner" community. According to Sure We Can, a Brooklyn non-profit organization, an estimated 10,000 New Yorkers are part of New York City's canning community. Increasing New York State's deposit will bring new money into the pockets of low-income and unhoused "canners" who clean up empty containers from the streets.

Additionally, local redemption centers struggle to keep up with the current economic landscape. While the bottle deposit has remained a nickel, wages and rent have increased greatly over the 40-year history of the law.⁸ If adjusted for inflation, the original five-cent bottle deposit would now be fifteen cents.⁹

¹ Watson, Sara, "China Has Refused To Recycle The West's Plastics. What Now?," *NPR*, June 28, 2018, www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-wests-plastics-what-now.

² Container Recycling Institute, "Cost of Curbside Recycling for Beverage Containers," May 31, 2018, <https://www.container-recycling.org/images/stories/PDF/Fullnetrecyclingcostcurbside10-18-18%20V2.pdf>.

³ Container Recycling Institute, "Container Deposits: The Rockstars of Recycling," <https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Natural/Bills/H.175/Witness%20Documents/H.175~Susan%20Collins~Container%20Deposit%20Handout~2-24-2021.pdf>.

⁴ Container Recycling Institute, Bottle Bills, www.container-recycling.org/index.php/issues/bottle-bills

⁵ For more on "canners," see Berardi, F., "Inside The World Of NYC 'Canners' Who Survive By Collecting Recyclable Cans & Bottles," *Gothamist*, <https://gothamist.com/news/inside-the-world-of-nyc-canners-who-survive-by-collecting-recyclable-cans-bottles>.

⁶ Eunomia, "Employment and Economic Impact of Container Deposits-New York," January 2019.

⁷ *Ibid*, Table E-2.

⁸ In 1982, the minimum wage in New York was \$3.35. In 2021, minimum wage is \$15 an hour downstate.

⁹ U.S. Bureau of Labor Statistics, CPI Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm.

Benefits of an Expanded Bottle Law To New York City

As referenced earlier, requiring a deposit on containers has helped to boost recycling and reduce litter. Not surprisingly, those overall benefits are ones found in New York City as well. At a minimum, “canners” have financial incentives to collect unredeemed deposit containers and return them to redemption centers. Expanding the containers covered by the law will reduce the stresses put on the city’s solid waste systems and increasing the deposit to a dime¹⁰ would further incentivize “canners” to redeem those containers not returned by consumers.

While a material recovery facility (MRF) may argue that increasing the deposit on containers would impact the facility’s bottom line and make the costs of recycling prohibitive, that is not the whole story. Curbside recycling and bottle deposit systems work best in *tandem*. The operational burdens and financial costs of the city’s waste management system would be alleviated through an increased deposit. The lost revenue from material that would be recycled through the bottle deposit would be relatively insignificant when compared to avoided collection and disposal costs¹¹.

MRF revenue comes from two streams. While selling the collected recyclable material is a method of funding, it pales in comparison to the money that they make from their throughput fee. Simply put, the city will be charged less as there will be less waste to handle. Per the Congressional Research Service, “Deposit systems skim potential sources of revenue from curbside programs, but they also reduce the operating costs of curbside programs. Local governments would appear to achieve greater diversion of solid waste from disposal at a lower cost per ton if both a bottle bill and a curbside collection program were in place.¹²”

In a report prepared by DSM Environmental Services Inc. for the Massachusetts Department of Environmental Protection, a bottle bill modernization was estimated to reduce costs for Massachusetts municipalities, even after netting out potential lost revenue. The report estimated the total savings to be between \$3.8 and \$6.5 million dollars annually. Because material is diverted to other avenues through the bottle bill, savings are primarily due to reduced collection and disposal costs.¹³

New York City would see benefits from increased collection of redeemed containers

- **There would be less trash for the city to collect, transport, and dispose of.** From an environmental standpoint, expanding the number of containers included in the bottle bill would very likely increase recycling rates of these containers, relieve MRFs from a portion of a low-value and difficult-to-manage material and provide opportunity for additional container glass to make its way through the redemption system where it has a much higher likelihood of being used in new container manufacturing and other higher use recycling outlets. The quality of the recycled product from both glass and plastic material returned to redemption centers is of a higher quality and of much more value.¹⁴ Initial estimates indicate that from a purely capacity-related standpoint, regional glass manufacturers have capacity to use the

¹⁰ The 5-cent deposit established in 1982 has not been adjusted. Had it been merely adjusted for inflation; the deposit would be nearly 15 cents today.

¹¹ Container Recycling Institute, “Cost of Curbside Recycling for Beverage Containers,” May 31, 2018, <https://www.container-recycling.org/images/stories/PDF/Fullnetrecyclingcostcurbside10-18-18%20V2.pdf>

¹² Bottle Bills and Curbside Recycling: Are They Compatible? James E. McCarthy, Specialist, Environment and Natural Resources Policy Division. January 27, 1993.

¹³ 3 DSM Environmental Services, Inc for Massachusetts Department of Environmental Protection, “Analysis of the Impact of an Expanded Bottle Bill on Municipal Refuse and Recycling Costs and Revenues – FINAL LETTER REPORT”: July 21, 2009.

¹⁴ Container Recycling Institute, “Bottle bills produce high-quality recyclable materials,” <https://www.bottlebill.org/index.php/benefits-of-bottle-bills/bottle-bills-produce-high-quality-recyclable-materials>.

amount of additional cullet (glass collected for remelting) that may be made available if wine and liquor bottles were included in the deposit system.¹⁵

Adding a deposit on non-carbonated drink containers, including liquor and wine bottles, not currently covered by the law would help to divert these glass bottles from the city's municipal recycling and waste streams. As mentioned earlier, increasing the deposit would immediately boost recycling rates. *There is no reason to doubt that boosting recycling rates will benefit the city – particularly if it is no longer responsible for the collection, transportation, and disposal of the containers. This would bring New York City to its 2020 diversion goal of 33%.*¹⁶

- **Economically struggling New Yorkers would get an income boost.** Even if there is an increase in recycling rates, the “canners” mentioned earlier should see a boost in income.

For many of New York's most marginalized residents, income from collecting unredeemed deposits is a needed lifeline. By doubling the deposit, New York could significantly increase the income of many people who rely on the practice of “canning,” collecting bottles and cans for unredeemed deposits, while simultaneously reducing the environmental inequities between more and less prosperous communities regarding litter and container pollution.¹⁷

- **New York State's Environmental Protection Fund (EPF) would see more revenues and could provide more help for the city's recycling and environmental programs.** *Under current law, for deposits that are not redeemed, New York State controls those nickels and then allocates 80% of those unredeemed deposits to the state general fund and environmental protection fund, and 20% is retained by distributors.*¹⁸ Increased EPF revenues can help the city.

Most notably, the DEC relies on EPF money to buy land and conservation easements to protect the quality of New York City's drinking water supply in the Catskill/Delaware watershed region. Without open space protection in the Catskill region, New York City would have to spend billions of dollars on water filtration.

In addition, advocates are urging that additional revenues also be targeted to expanding redemption opportunities in what they call “redemption deserts” communities that currently lack both adequate access to food stores as well as Bottle Law redemption centers. There are 19 New York City communities that are among those “redemption deserts. The New York City Housing Authority recently advocated for bringing redemption infrastructure to their buildings. Forty percent of residents already utilize redemption centers while also reporting that non-residents collect redeemables on NYCHA grounds.¹⁹

Thank you for the opportunity to testify today. NYPIRG looks forward to working with the New York City Council so that New Yorkers may experience a cleaner, more sustainable city.

¹⁵ Jacoby, Mitch, “Why Glass Recycling in the US is Broken,” *Chemical and Engineering News*, February 11, 2019.

¹⁶ Department of Sanitation, “Recycling Diversion Goals,” <https://www1.nyc.gov/assets/dsny/site/recycling-diversion-goals>

¹⁷ Kaori Gurly, L., NYC's Last Non-Profit Can Redemption Center Is Fighting to Stay Open,” *Vice*, May 28, 2020, <https://www.vice.com/en/article/v7ge39/nycs-last-non-profit-can-redemption-center-is-fighting-to-stay-open>.

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¹⁹ NYCHA, “NYCHA 2.0 Waste Management Plan.” April 22, 2019.

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Testimony of Greg Todd

For the Sanitation Hearing on Friday April 29th, 2022 regarding Waste Equity, Transfer Facilities and Commercial Waste Zone implementation

Much appreciation to the Sanitation Committee and CM Sandy Nurse for hosting this hearing.

My name is Greg Todd and I reside in council member Chi Osse district in Brooklyn.

As many of you will agree, inequity among neighborhoods in New York City is hardly new. As far back as 1895 when Colonel Waring instituted the first uniformed sanitation crews in New York, wealthy neighborhoods had already funded their own private sanitation services, so Waring's crews benefited primarily poor neighborhoods.

It is keeping with this tradition of Environmental Justice that we want to ensure that all communities receive their fair share of sanitation spending in 2023. As it stands now, only more affluent neighborhoods are getting curbside collection of organics. To remedy this situation, we would like to see Sanitation implement rigorous and thoughtfully implemented pilot studies to determine which organics collection strategies work best in Environmental Justice communities.

We agree with the mayor that low participation rates in the curbside collection program (also known as the "brown bin" program) makes it extremely expensive to implement. We're convinced we can not allow this to continue. Other options such as containerization, especially for large apartment buildings and NYCHA developments, and community based processing, as required by the CORE Act introduced into the Council by CM Keith Powers, must be tried in pilot programs in 2022 and 2023.

By capturing and processing organics within our communities, the City can not only reduce the expense of shipping heavy organics to distant landfills, we can create green jobs, reduce release of toxic soot and greenhouse gas emissions into the atmosphere and provide valuable compost for urban gardens, tree beds and our city parks. By creating green jobs in areas where employment is most needed, the City can basically recapture Sanitation monies spent by employing community

members who in turn spend their incomes in their neighborhoods and enhance the City's tax base.

Regarding the Commercial Waste Zones, micro haulers must not be barred from taking advantage of this program. As it stands now, under Sanitation policy micro haulers can not use waste consolidation strategies that they find necessary given the absence of local organics processing facilities.

They must also pay burdensome insurance premiums not commensurate with the size of their operations. Removing these regulatory burdens would allow more entrepreneurs in Environmental Justice communities to participate in the opportunities presented by the CWZ.

I thank you for this opportunity to present my thoughts and look forward to a more just and fair sanitation budget in fiscal year 2023.



**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
OVERSIGHT OF COMMERCIAL WASTE ZONES AND WASTE EQUITY LAWS**

April 29, 2022

My name is Eric A. Goldstein and I am New York City Environment Director at the Natural Resources Defense Council (“NRDC”). As you know, NRDC is a national non-profit legal and scientific organization, active on a wide range of environmental, public health and natural resource protection issues around the country, across the globe and here in New York City, where our main offices have been located since NRDC’s founding in 1970. NRDC has been advocating for reform of solid waste programs in New York for more than four decades. Our long-term goals remain unchanged: to transform waste policy from primary reliance on landfilling and incineration to making waste prevention, composting, recycling and equity the cornerstones of waste programs in the nation’s largest city.

Thank you, Chair Nurse, for holding this hearing and inviting me to testify.

For too long, there has been a strong and troubling connection between waste handling and environmental justice in America. Dr. Robert Bullard, Distinguished Professor at Texas Southern University and one of the grandfathers of the environmental justice movement, documented this disturbing situation. In his 1993 book, Confronting Environmental Racism, Dr. Bullard identified nine community-based disputes that represented some of the first battles of the modern environmental justice movement. Six of the nine campaigns involved opposition to proposed waste facilities of one kind or another: Houston, TX (1979) solid waste landfill; Alsen, LA (1979) hazardous waste incinerator; Los Angeles, CA (1985) solid waste incinerator; Los Angeles, CA (1985) hazardous waste incinerator; Kettleman City, CA (1990) hazardous waste incinerator; and Rosebud, SD (1991) solid waste landfill.

To this list, we add three New York City waste disputes from that era: opposition to the construction and operation of the North River Sewage Treatment plant, a fight spearheaded by We Act for Environmental Justice; the neighborhood response to the proliferation of land-based transfer stations in North Brooklyn, the South Bronx and southeast Queens, following price increases for trash disposal at the Fresh Kills landfill; and the reaction to the related problem of poorly operating, irrationally routed and privately-owned commercial waste collection trucks.

NATURAL RESOURCES DEFENSE COUNCIL

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Here are four recommendations for reducing environmental injustices associated with waste-handling in New York City.

1) Implement the Commercial Waste Zones Law in Timely Fashion

This is at the top of the list. Local Law 199 of 2019 established an historic new vision for the collection of waste in the nation’s largest city. That is cause for celebration. But ultimately, implementation of the law is what really counts. With that in mind, we were concerned when the deadline for the second round of RFP submissions for commercial waste zone contrasts was pushed back three months to July 15th. On the other hand, we’ve been encouraged by the continuing DSNY staff level commitment to this program, and to your leadership, Chair Nurse, and that of Speaker Adrienne Adams, to ensure sufficient funding for full implementation of this historic law.

Local Law 199 provides that the Commissioner “shall promulgate rules setting an implementation start date and final implementation date for each commercial waste zone....” And it is our hope that the first of these rules will be promulgated, following submission of the second round of RFPs, before the end of this year.

2) Step Up Efforts to Utilize the new Marine Transfer Stations for Commercial Waste

Second, we urge the City to step up efforts to use excess capacity of the Marine Transfer Stations (“MTSs”) to handle a portion of the city’s commercial waste. The 2006 Solid Waste Management Plan established a new emphasis on modern marine transfer stations and launched their reconstruction. That work has now been completed and four MTSs are now in operation: Manhattan’s East 91st Street; Queens’ North Shore; and Brooklyn’s Hamilton Avenue and Southwest Brooklyn facilities. But handling DSNY-collected waste was not the entire vision for these transfer stations.

The 2006 SWMP called for “developing a sound approach to redistribute private transfer capacity from a small number of communities that have the largest proportion of the system’s impacts.” According to the Plan: “In Manhattan, where over 40% of the city’s commercial waste originates but no private putrescible transfer stations are located, the DSNY proposes to reserve its West 59th Street MTS and work with the private sector to explore ways to use it as a transfer station for commercial waste. In addition, the City will evaluate ways to encourage the movement of commercial waste through the MTSs that will be constructed as part of the long-term export plan.”



But the 59th Street facility conversion hasn't happened and sending commercial waste through the MTSs is still a distant vision. We urge the Committee to engage with the Department and find a way to advance the expansion of MTSs, including 59th Street, for commercial waste, as promised more than 15 years ago in the city's comprehensive Solid Waste Management Plan.

3) End Reliance on the Newark Incinerator for NYC Waste Disposal

Today, Manhattan's putrescible trash is sent to the Essex County incinerator in Newark, New Jersey. This has for years been a poorly operating facility that has been notorious for performance problems and discharging excess contaminants into the air. The impacts have been felt most significantly on the Ironbound neighborhood of Newark, which already has more than its fair share of environmental burdens. And prevailing winds often carry pollutants from west to east, which means pollution from the Essex County incinerator often blows back here to New York City. These operating problems may well provide justification for New York City to cancel its contract with the facility now. At a minimum, the City should not renew its contract with the Essex County incinerator for handling of NYC trash -- in the interests of both public health protection and environmental justice.

4) Pass Legislation to Establish Universal Curbside Organics Collection

As you know, organics -- food scraps, yard waste and food-soiled paper -- are the largest portion of the city's residential waste stream. Currently, these wastes are sent overwhelmingly to landfills and incinerators. And the current system of leaving organics and mixed waste in plastic bags is just what the city's increasingly brazen rat population loves -- an enticing source of free food. Rats and street cleanliness are another issue where the burdens of waste seem to fall disproportionately on lower income and Black and brown communities. So, with great enthusiasm, we endorse the package of composting expansion bills introduced yesterday by you, Councilmember Hanif and Councilmember Powers. We thank you for the leadership spark you are providing on these issues, and Speaker Adrienne Adams for appointing you as Chair of this important committee.

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I represent: Department of Sanitation
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Name: Lewis D. Dabque
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I represent: Nathan / Card + Recycling
Address: 3850 (1/3rd) Bridge, VA

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