

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT 1
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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October 24, 2023
Start: 1:08 p.m.
Recess: 4:21 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Sandy Nurse, Chairperson

COUNCIL MEMBERS:

Erik D. Bottcher
Amanda Farías
James F. Gennaro
Julie Menin
Chi A. Ossé
Rafael Salamanca, Jr.
Marjorie Velázquez
Kalman Yeger

OTHER COUNCIL MEMBERS ATTENDING:

Shaun Abreu

A P P E A R A N C E S

Daniel Wright, President of Teamsters Local 813

Kajeem Hill, Business Agent and Organizing
Director at Labors Local 108

Javier Lojan, First Deputy Commissioner of
Department of Sanitation of New York

Ryan Merola, Deputy Commissioner and Chief-of-
Staff of Department of Sanitation of New York

Kate Kitchener, Director of Recycling and
Sustainability of Department of Sanitation of
New York

Dave Feldman, Deputy Commissioner of Legal
Affairs and General Counsel of Business
Integrity Commission

Robert Bishop, Local 831

Eric Goldstein, NRDC

Lacey Tauber, Brooklyn Borough President Antonio
Reynoso

David Biderman, President of Biderman Consulting,
LLC

Paul Zambrotta, Safety Director for Mr. T Carting
Corporation and Safety Ambassador for SWANA's New
York Chapter

Sam Manfredi, Cogent Waste Solutions

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

Anthony Lewis, Royal Waste

Dante Dodge, Local 108

Tyrell Boyd, Local 108

Jose Vega, Local 193

Connor Shaw, Local 193

Lisa Salomon, Surfrider

Ryan Castalia, Sure We Can

Rene del Carmen, Sure We can

Dominick Romeo, New York City Supers

Alia Soomro, Deputy Director for New York City
Policy at the New York League of Conservation
Voters

Dawn L. Henry, Senior Advisor for Beyond Plastic

Anna Sacks

Jackie Nuñez, Founder of the Last Plastic Straw
and Advocacy and Engagement Manager for Plastic
Pollution Coalition

Kira Cruz, Debris Free Sea Coordinator for Clean
Ocean Action

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2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Sanitation and Solid Waste
4 Management, recorded in the Chambers on October 24th
5 by Leila Lynch (phonetic).

6 SERGEANT-AT-ARMS: Good afternoon and
7 welcome to today's New York City Council hearing for
8 the Committee on Sanitation and Solid Waste
9 Management.

10 At this time, we ask that you silence all
11 cell phones and electronic devices to minimize
12 disruptions throughout the hearing.

13 If you have testimony you wish to submit
14 for the record, you may do so via email at
15 testimony@council.nyc.gov. Once again, that is
16 testimony@council.nyc.gov.

17 At any time throughout the hearing,
18 please do not approach the dais.

19 We thank you for your cooperation.

20 Chair, we are ready to begin.

21 CHAIRPERSON NURSE: [GAVEL] Good
22 afternoon, everyone. Thank you, Sanitation Committee
23 Members, DSNY First Deputy Commissioner Javier Lojan,
24 Deputy Commissioner Ryan Merola, BIC Deputy
25 Commissioner of Legal Affairs and General Counsel

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2 Dave Feldman, labor unions, workers, and advocates
3 for joining us for today's Committee on Sanitation
4 and Solid Waste Management.

5 Over the past year, we have seen major
6 transformations in the Sanitation sector including
7 our Zero Waste goals, the rollout of citywide
8 curbside organics, the forthcoming commercial waste
9 zones, and the growing efforts for containerization.

10 As we implement these changes, we must center the
11 workers that have the workers that have the
12 incredibly difficult job of keeping our city clean
13 every day. New Yorkers depend so much on Sanitation
14 services, and we must ensure that frontline
15 Sanitation workers doing this often grueling work
16 have safety measures and protections. There is a lot
17 happening in the Sanitation sector in New York. Just
18 the morning, DSNY held a rulemaking hearing on the
19 expansion of containerization to more businesses in
20 New York City. Also, this morning in Albany, the
21 State Legislature held a hearing which is potentially
22 still ongoing on reducing packaging and extended
23 producer responsibility that has the potential to
24 reduce waste and bring more funding to New York City

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2 Sanitation operations. This is a bill the Council has
3 passed a resolution in support of.

4 Today, the Teamsters Local 831 are also
5 welcoming a new class of DSNY Sanitation workers.
6 We're so happy to see it. DSNY alone currently
7 employs 8,259 uniformed positions. These Teamsters
8 collect trash, recycling, and organic waste from New
9 York City homes, and every winter they also plow the
10 streets to keep the city moving.

11 On the private side of Sanitation, there
12 are thousands of workers, both union and non-union.
13 Teamsters Local 813 represents 2,329 union members
14 working for carters that collect waste from New
15 York's commercial businesses. It is one of the
16 nation's most dangerous jobs. We also have Laborers
17 Local 108 that represents another 2,000 workers in
18 the private waste collection and recycling industry.
19 These are jobs not only in collections but at
20 transfer facilities where waste is tipped, sorted,
21 processed, and prepared for export or otherwise.

22 Labor unions play a key role in providing
23 accountability and prioritizing safety standards in
24 the Sanitation industry and have supported major
25 climate and environmental wins for New Yorkers. There

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2 are other types of Sanitation workers that are just
3 as important including our building superintendents
4 that take our trash, recyclables, and organics
5 multiple times a week, and the canner community that
6 helps sort recyclables for redemption.

7 We look forward to hearing from workers
8 and advocates on priorities for the Sanitation
9 sector.

10 Today, we are also hearing a few bills on
11 a variety of topics. Since this Committee has heard
12 most of the Sanitation bills introduced this session,
13 we are kind of at a clearing house moment. The bills
14 we will be hearing today include Intro. 1116 by
15 Council Member Abreu in relationship to allowing
16 reusable beverage containers in sports venues, Intro.
17 978 by Council Member Althea Stevens in relation to
18 requiring large chain stores to donate nonsalable
19 personal care products, Intro. 1131 by Council Member
20 Rafael Salamanca in relationship to enforcement
21 authority over unlicensed mobile car washes. Next, we
22 also have my Resolution 816 calling upon the New York
23 State Legislature to pass and the Governor to sign
24 S643C, A7339A, an act to amend the Environmental

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2 Conservation law in relationship to extend producer
3 responsibility for rechargeable batteries.

4 Finally, I want to thank my Team and the
5 Sanitation Committee Task Force for their work and,
6 of course, thank you to everyone providing public
7 testimony today.

8 I'd like to acknowledge Council Member
9 Marjorie Velázquez, Council Member Bottcher, Ossé,
10 and Abreu are here.

11 Now, I'm going to pass it over to Council
12 Member Abreu to speak about one of his bills.

13 COUNCIL MEMBER ABREU: Good afternoon and
14 thank you, Chair Nurse, for allowing me to speak on
15 my bill, Intro. 1161.

16 Introduction 1161 would require
17 professional and collegiate sports venues to allow
18 attendees to bring reusable water bottles into these
19 venues. It's a commonsense proposal to reducing waste
20 and our conception of single-use plastics. The bill
21 would bring use closer to meeting the City's waste
22 reduction goals and dramatically reduce the amount of
23 waste going to landfills where it can sit for
24 centuries to decompose. More and more professional
25 sport venues have begun to allow reuseable water

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2 bottles in some capacity, such as Yankees Stadium,
3 Citi Field, and the U.S. Open Tennis Center. We want
4 to build on that. With this bill, we would
5 standardize what is allowed at stadiums, making it
6 easier for attendees to understand what they can
7 bring and cannot bring to any such venue within the
8 city. Just on our research alone, if you go to
9 different sport venues on their different websites,
10 you can't tell what the policies are, and we want to
11 make it more transparent. We are proud to have the
12 support of Eric Goldstein, who is here in the
13 audience from the Natural Resource Defense Council,
14 the New York League of Conservation Voters, thank
15 you, Alia, and the Environmental Science Advisor for
16 the New York Yankees who is also the Founder and
17 Chairman of Sport and Sustainability International.
18 He has provided written testimony as well.

19 We are looking forward to hearing
20 feedback on the bill. Just on the reading of the
21 testimony, we're glad that the Administration
22 supports the goals of this legislation. I want to
23 thank everyone who registered to testify in advance
24 for their comments. Thank you. Thank you, again,
25 Chair.

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2 CHAIRPERSON NURSE: Thank you, Council
3 Member Abreu.

4 Just before we continue, I just wanted to
5 give acknowledge and shout-out to I believe students
6 up in the bleachers, up in the nosebleeds, from New
7 Explorations into Science, Technology, and Math.
8 Welcome to the hearing. Thanks for being here. This
9 is where all the trash talk goes down. Thanks for
10 being here.

11 Council Member Salamanca, would you like
12 to quickly introduce your bill?

13 COUNCIL MEMBER SALAMANCA: Thank you,
14 Madam Chair, for hosting this Committee hearing and
15 thank you for having my bill.

16 Throughout all five boroughs we're seeing
17 a rising epidemic of illegal mobile car washes. The
18 large vehicles utilized during these operations are
19 obstructive and a nuisance, taking away valuable and
20 already limited parking spaces from our constituents.
21 Similarly, the hijacking of space near fire hydrants
22 as well as the monopoly on water usage from these
23 hydrants are public safety issues that could severely
24 impact response time and restrict access to water for
25 our Fire Departments. It is important to emphasize

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2 that the aim of regulating these businesses is not to
3 take away anyone's livelihood. While mobile car
4 washes themselves are not illegal and are oftentimes
5 a quick and convenient option for drivers, they must
6 be regulated and hold valid licenses. In addition to
7 addressing public safety and congestion concerns,
8 licensed mobile car washes would also address
9 environmental issues. Not beholden to any higher
10 authority, it is impossible to know what types of
11 chemicals, illegal mobile car washes are actually
12 using during the cleaning process that runs off into
13 our city water supply. With properly regulated mobile
14 car washes, we can ensure that 1) vehicles are only
15 operating on private property with prior
16 authorization, 2) mobile car washes operate only in
17 designated areas, reducing congestion, 3) traffic and
18 fire hydrants are not obstructed, and 4)
19 environmentally safe cleaning methods and supplies
20 are utilized, protecting our water supply and
21 alleviating adverse health effects. As the elected
22 officials entrusted with ensuring the safety of the
23 residents in the City of New York, it is our
24 collective duty to address this ever-growing public
25 safety, environmental issue immediately.

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2 As such, I am requesting your support on
3 my bill, Intro. 1131, which would require all mobile
4 car washes to obtain a license in order to operate
5 and would grant the New York City Department of
6 Sanitation and the NYPD expanded authorization to tow
7 any vehicles illegally conducting business in our
8 city streets. Thank you.

9 CHAIRPERSON NURSE: Thank you, Council
10 Member.

11 For our hearing, we do have a pre-panel
12 that will testify and answer questions before we hear
13 from the Admin so I'm going to turn it over to our
14 Committee Counsel to administer any administerings.

15 Never mind. We're going to call up Local
16 108 and Local 813 to come up and testify.

17 COMMITTEE COUNSEL: Mr. Daniel Wright and
18 Mr. Kajeem Hill, please.

19 CHAIRPERSON NURSE: Awesome. Whenever
20 you're ready, you can go ahead.

21 DANIEL WRIGHT: Thank you. Good afternoon.
22 Thank you, Chair Nurse, Council Members, Committee
23 Members, DSNY. I'm Daniel Wright, President of
24 Teamsters Local 813. We represent members working in
25 the private Sanitation industry in New York City and

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2 the surrounding areas. Teamsters Local 813 has always
3 been and will continue to be champions of safety. The
4 Sanitation industry worker faces one of the most
5 challenging and dangerous professions in the nation.
6 It is essential that all workers receive proper
7 training and that training be a continuous and
8 ongoing process. Workers need the proper safety gear
9 to protect them from injury, the elements, and to
10 make them visible to others. Vehicles must be kept in
11 proper order and pre-tripped prior to the start of
12 routes.

13 Of the many workers Local 813 represents,
14 I can say that the companies that employ them are
15 doing the right thing. Our members are trained,
16 provided with proper safety gear, and drive safe
17 vehicles in a safe manner. Teamsters Local 813
18 actively communicates with our members during shop
19 visits to ensure all safety measures are being
20 observed and often sit in on company safety meetings.
21 Teamsters are committed to keeping our members safe
22 and keeping the roadways and the communities they
23 serve safe. I applaud the City and the Council and
24 thank them for taking an interest in this important
25 issue.

2 Currently, the City is awarding bids in
3 the Commercial Waste Zones process. The safety of
4 workers of companies bidding should be held in the
5 highest regard. We cannot allow safety to be
6 regulated to a lesser role in this process. In fact,
7 it should likely be the highest consideration. We
8 must do that for the workers in this industry and the
9 communities they serve. We cannot allow the
10 Commercial Waste Zones process to be unfairly
11 weighted towards price. We must stand by the workers
12 in this industry in every possible way to keep them
13 safe. Thank you.

14 CHAIRPERSON NURSE: Thank you. Would you
15 like to testify?

16 KAJEEM HILL: Good afternoon. My name is
17 Kajeem Q. Hill, I'm from the Bronx, and I have been
18 working in the Sanitation industry for over 14 years.
19 Today, I'm a Business Agent and Organizing Director
20 at Labors Local 108. I am proud to represent workers
21 who perform a crucial role in maintaining the
22 cleanliness and health in our city.

23 Workers in the private Sanitation
24 industry are often subjected to hazardous conditions
25 because of the negligence of their employers. It is

2 my hope that bringing attention to these issues, the
3 City will take action to ensure the system of
4 Commercial Waste Zones gets implemented in a way that
5 rids the industry of bad employers and advances the
6 safety and well-being of workers.

7 As an organizer, I have seen firsthand
8 people working under unsafe conditions. For example,
9 I have seen trucks in service which lack basic safety
10 features and haven't undergone proper maintenance.
11 Workers are frequently exposed to risks such as
12 malfunctioning brakes, worn out tires. They often
13 don't follow basic safety precautions when doing
14 waste collections and disposal and lack of essential
15 PPE like proper work clothing, masks, gloves, and
16 respiratory protection. Often workers don't receive
17 training and are paid in cash. These deficiencies
18 jeopardize the lives and well-being of workers and
19 the general public. Why don't more workers come
20 forward to shed light on these conditions? Because
21 many of their employers use intimidation tactics to
22 silence them. They take advantage of workers' needs
23 to feed their families. This is why I am hopeful that
24 the implementation of Commercial Waste Zones can
25 transform the industry and improve the wages and

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2 working conditions of these workers. I am advocating
3 for a clear and accessible path for workers to come
4 forward and provide information to authorities
5 regarding wage theft, dangerous working conditions. I
6 am advocating that the City do more to ensure workers
7 are educated about their rights and are protected
8 from employer retaliation. While we wait for the
9 CWZ's full implementation, we still need to protect
10 the workforce that cleans our city every day. I
11 encourage that this Committee and Council to take
12 action now. Thank you for your time.

13 CHAIRPERSON NURSE: Thank you both. I have
14 some questions and, if Council Members have any
15 questions for this panel, just let us know.

16 I wanted to acknowledge Council Member
17 Menin.

18 Two people signed up to testify for the
19 Public Housing, and that is I believe in the
20 Committee Room next door, just to let you know so you
21 don't sit here for this one.

22 Thank you both for testifying and for the
23 work that you do. We know that workers from both of
24 your Locals and workers that are not in a union shop
25 or with a union carter are incredibly important to

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2 this city. Both of you alluded to the CWZ and, just
3 from conversations we have had, as we're preparing to
4 implement the first phase of the CWZ, there's
5 awardees and there's folks that aren't going to win
6 so there are going to be some folks that potentially
7 go out of business, merge with other companies or
8 other carters, and just wondering how you all are
9 approaching this transition and what are some of your
10 concerns, how can the Council, the Administration
11 best support workers who are going to go through this
12 or who may be out of work soon, and feel free to
13 either of you to answer?

14 DANIEL WRIGHT: I think what's important
15 is we're in a phase right now where the Commercial
16 Waste Zones have been spoken about for many years,
17 and we're finally getting to the process. There are a
18 lot of rumors out on the street or perhaps
19 misinformation. I think it might be helpful once
20 decisions are made and contracts are awarded that
21 this information be brought to the public as quickly
22 as possible. I think there's a lot of uncertainty
23 throughout the private Sanitation industry with the
24 owners of companies and that uncertainty is
25 unfortunately being passed along to the workforce

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2 because we have workers that are uncertain if their
3 employ is going last, if their shop is going to be
4 expanded with additional workers, or if the workforce
5 is going to be cut so I think it's important that
6 some clear information be brought to the industry
7 with some decisions that have been made.

8 CHAIRPERSON NURSE: Thank you.

9 KAJEEM HILL: Local 108 is excited to see
10 CWZ moving forward. Our biggest concern is to make
11 sure there is a mechanism for workers to come forth
12 with issues of wage theft and dangerous working
13 conditions.

14 CHAIRPERSON NURSE: Okay. How have the new
15 containerization rules impacted routes or other parts
16 of the operations?

17 DANIEL WRIGHT: Like with any change there
18 are growing pains, and I think in the beginning it
19 was proving to be difficult for some of our workers
20 in the industry. The containers being issued by the
21 companies, the companies are basically required to
22 protect their container or be responsible for their
23 container so we had a situation where many small
24 companies were locking their containers or chaining
25 them up so they wouldn't get stolen or misplaced.

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2 That was creating an additional burden on workers
3 because now they have to lift the heavy bags out of
4 the containers. We had one of our employers that kind
5 of took the lead with speaking with their customers,
6 the ones that did want to keep their containers
7 chained up or locked, they created a padlock with a
8 universal key so the workers could have access to be
9 able to unlock the containers to dump them. I think
10 as we get through all those issues and ultimately the
11 workers get used to the new system, it's going to be
12 a better system both for the City and the worker
13 ultimately.

14 KAJEEM HILL: I have to agree with Dan on
15 this one. Our employers have gone through the same
16 issues. Dumping as well, we have customers dumping
17 their garbage into our contractors' container so we
18 are having to use chains and locks on these bins, but
19 that's about it.

20 CHAIRPERSON NURSE: Have you all had any
21 conversations with DSNY about this?

22 KAJEEM HILL: Not at the moment.

23 DANIEL WRIGHT: No, neither have it.

24 CHAIRPERSON NURSE: Thank you. How
25 prevalent is cash wages in your experience? If you

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2 want to share a story by chance, have you ever
3 reported this? If so, could you share the process or
4 an outcome if you've successfully seen a cash wage
5 situation be addressed? Have you engaged with any
6 agencies around it?

7 KAJEEM HILL: I am an example. I'm a
8 former worker at Sanitation Salvage. I was getting
9 paid cash there for about two to three years. At that
10 time, it took a lot just to get my voice heard. I
11 have knocked on every door possible. When it comes to
12 the DA's office, BIC, I end up reaching out to the
13 new Commissioner, I forgot his name, I think it was
14 Brownell at the time, and we had a meeting, and he
15 addressed those concerns at the time.

16 CHAIRPERSON NURSE: So it was a successful
17 outcome for you?

18 KAJEEM HILL: Well, the company is no
19 longer in business so I believe it was successful.

20 CHAIRPERSON NURSE: Great. How prevalent
21 to this day is the practice of hiring day laborers
22 for conducting collections if you've seen any?

23 DANIEL WRIGHT: I'm going to say that
24 that's more common most likely in the non-union
25 carters. Small private companies are obviously still

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2 utilizing day workers, night workers, paying them
3 cash off the street, and obviously this creates a
4 multitude of problems including safety issues because
5 these people are not trained, they are not given the
6 right equipment, and these things need to continue to
7 be monitored. Obviously, that wouldn't be occurring
8 within any of the union labor. The employers are sort
9 of held to a strict standard and we look in on that.

10 KAJEEM HILL: I'm sorry. Can you repeat
11 that question?

12 CHAIRPERSON NURSE: No problem. How
13 prevalent is the practice of hiring day laborers,
14 people getting brought on for the day, paid cash? Are
15 you seeing any of that?

16 KAJEEM HILL: Local 108 hasn't seen that
17 yet. We have spoken to workers that in the past have
18 worked for certain employers that's in the industry
19 now that were getting paid cash.

20 CHAIRPERSON NURSE: Thank you. Just a few
21 more questions. In your experience, how often are
22 workers receiving training?

23 DANIEL WRIGHT: I know that the employers
24 that are affiliated with Local 813 have continuous
25 training on a monthly basis for many situations,

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2 safety meetings, training, any time there's any
3 updates to equipment or anything like that, the
4 workers are trained quickly and appropriately.

5 KAJEEM HILL: Same for Laborers Local 108.
6 Our contractors are monthly safety meetings. They're
7 also addressing the concerns from day-to-day season
8 changes and things of that nature.

9 CHAIRPERSON NURSE: Okay. Just a final
10 couple of questions. One, are you seeing more women
11 enter into this workforce? Are you seeing more
12 diversity in leadership or executive roles, and it
13 could be within places you've worked or just from
14 your observations and experience engaging with folks?

15 KAJEEM HILL: We have seen more women
16 getting into the Sanitation Department. There's
17 definitely diversity, yes.

18 CHAIRPERSON NURSE: Okay.

19 DANIEL WRIGHT: I think we're seeing more
20 ethnic diversity. As far as women coming into the
21 field, I don't think we've seen too much in that
22 avenue.

23 CHAIRPERSON NURSE: Do you have an
24 observation of what roles women are taking up in the
25 Sanitation sector?

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2 KAJEEM HILL: For instance, they're on a
3 packer truck and roll-off decision.

4 CHAIRPERSON NURSE: I'm sorry. What was
5 that? On the packer truck?

6 KAJEEM HILL: Packer and roll-off
7 division.

8 DANIEL WRIGHT: Yeah, we've seen a few
9 drivers in the packer division.

10 CHAIRPERSON NURSE: Lastly, for workers
11 operating transfer facilities, what particular
12 challenges or concerns are they facing?

13 DANIEL WRIGHT: I think volume is probably
14 the major concern that the workers in the transfer
15 stations would face.

16 CHAIRPERSON NURSE: Volume you said?

17 DANIEL WRIGHT: Volume, yeah.

18 CHAIRPERSON NURSE: Okay.

19 KAJEEM HILL: Local 108 doesn't have a
20 position at the moment.

21 CHAIRPERSON NURSE: Okay. Council Member
22 Marjorie Velázquez, you had a question?

23 COUNCIL MEMBER VELÁZQUEZ: Thank you for
24 coming out today. Just wanted to ask are you aware of
25 any employees injured on the job and what has that

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2 experience looked like and are these employees forced
3 to continue to work through injury or left not being
4 able to work without pay?

5 DANIEL WRIGHT: Any of the employees that
6 are injured with any of our Local 813, all proper
7 workers' comp claims are handled appropriately. I
8 don't think anybody would ever consider not reporting
9 an injury in the workplace. These things are dealt
10 with in a very efficient manner when it comes to
11 injuries in our industry with the carters that we're
12 involved with.

13 KAJEEM HILL: Same as Laborers Local 108.
14 Any workers' comp issue is handled correctly through
15 our employers.

16 COUNCIL MEMBER VELÁZQUEZ: Thank you.

17 CHAIRPERSON NURSE: Council Member Menin,
18 did you have a question?

19 COUNCIL MEMBER MENIN: Thank you so much,
20 Chair. I just wanted to ask a quick question.

21 Obviously, it's very concerning that New York State
22 remains in the top five states in terms of the most
23 Sanitation-related fatalities, so it's my
24 understanding that the most common cause of some of
25 these fatalities have to do with the truck itself.

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2 Can you talk a little bit about what can be done, are
3 we inspecting the trucks enough, are we replacing old
4 trucks with new trucks, what can be done to increase
5 worker safety in your opinion?

6 DANIEL WRIGHT: I think you're seeing an
7 evolution of new trucks being put on the road on a
8 regular basis. Clean vehicles, safe vehicles, the
9 vehicle in the employers that Local 813 deals with
10 are kept in prime operating condition. The workers
11 are pre-tripping their vehicles prior to going out on
12 routes and, if there are any issues with the
13 vehicles, they are reported and dealt with swiftly
14 and efficiently. I think that a lot of the
15 sensationalism in the news about accidents and things
16 like that, you know, you can trace that back to the
17 safety records of the companies that are involved in
18 these issues. Time and time again you've seen the
19 same companies involved in the same situations, and
20 that's something that needs to be looked into
21 further.

22 KAJEEM HILL: I'm sorry. Can you repeat
23 that question again?

24 COUNCIL MEMBER MENIN: Sure. I'm just
25 trying to get an understanding of are there certain

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2 recommendations either of you have on the trucks
3 themselves because it's my understanding that New
4 York State is in the top five states for worker
5 fatalities. What we can we do to increase safety in
6 terms of the trucks? Is it an inspection, is it
7 replacement, what recommendations do you have?

8 KAJEEM HILL: I think there definitely
9 should be an inspection of these trucks. The
10 employers that Local 108 deals with, their trucks are
11 tip-top shape, but like I've witnessed other
12 companies, their trucks are not in the best
13 conditions, but I think there should definitely be
14 some type of inspection going on for those particular
15 companies. As far as the fatalities are concerned, a
16 lot of these workers work under stressful conditions,
17 working to get the route up and not getting the
18 proper hours work so they rush just to please the
19 employer.

20 COUNCIL MEMBER MENIN: Okay, thank you.

21 CHAIRPERSON NURSE: Just to acknowledge,
22 Council Member Farías is here.

23 I did have a clarifying question for PPE
24 because somebody mentioned it in their testimony. At

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2 least for your workers, are employers required to
3 provide certain PPE items for folks on the job?

4 DANIEL WRIGHT: As far as requirements, of
5 course, reflective gear is necessary. Gloves are
6 necessary. Safety shoes, work boots, things along
7 those lines, and then I think anything else that any
8 of our members would need to feel safe or do their
9 job safely or more efficiently, they would request
10 and it would be provided.

11 KAJEEM HILL: As far as Laborers Local
12 108, our employers do provide the proper PPE gear as
13 far as the work boots once a year, visible vests and
14 sweaters, even raincoats, they provide this as well,
15 but I've witnessed other companies in the industry,
16 they don't provide that. We have workers working in
17 regular street clothes, black clothes, you can't even
18 see them.

19 CHAIRPERSON NURSE: Okay, thank you. Is
20 there anything else you all want to share, even if
21 it's not your particular workers that are organized,
22 if there's anything you've seen that you think or any
23 recommendations for how the Council can support you,
24 let us know.

25

2 DANIEL WRIGHT: Just to expand a little
3 bit on what Q was saying. I think a lot of these
4 incidents where you have workers visible that do not
5 appear to be wearing safety equipment, you know, you
6 see workers on the back of garbage trucks in sneakers
7 without any reflective gear, these are obviously
8 people that are being hired as day laborers, most
9 likely as cash, off the books. If the City sees
10 things like this, they should try to do something to
11 stop it. We as unions can do everything we can to
12 protect the members that we represent and we do, and
13 everything seems to be working efficiently with that
14 program. With that said, we're always actively
15 looking to expand into other areas. We're constantly
16 talking with workers in the street and trying to get
17 them to unionize, to let them know that we would be
18 there to support them and help make their jobs safer
19 as well so I think if the City could sort of get
20 involved when we see these situations occurring,
21 something needs to be done about.

22 KAJEEM HILL: I said it and I'm going to
23 say it one more time. I think the City can help
24 Laborers Local 108 out with creating some type of

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2 mechanism for workers that are dealing with wage
3 theft and dangerous working conditions.

4 CHAIRPERSON NURSE: All right. Thank you
5 both for testifying on behalf of Sanitation workers.
6 Really appreciate it. Thank you.

7 KAJEEM HILL: Thank you for your time.

8 DANIEL WRIGHT: Thank you, Chair Nurse.
9 Thank you, Council Committee.

10 CHAIRPERSON NURSE: I'm going to pass it
11 to our Committee Counsel to now swear in the Admin.

12 COMMITTEE COUNSEL: Thank you. You may
13 approach the table.

14 Thank you all for being here today.

15 Do you affirm to tell the truth, the
16 whole truth, and nothing but the truth in your
17 testimony before the Council Members and to respond
18 truthfully to Council Member questions?

19 ADMINISTRATION: I do.

20 COMMITTEE COUNSEL: Thank you. Chair.

21 CHAIRPERSON NURSE: Thank you.

22 FIRST DEPUTY COMMISSIONER LOJAN: Good
23 afternoon, Chair Nurse and the Members of the City
24 Council Committee on Sanitation and Solid Waste
25 Management. I am Javier Lojan, the First Deputy

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2 Commissioner of the New York City Department of
3 Sanitation. I am joined today by Ryan Merola, Chief
4 of Staff and Deputy Commissioner for External
5 Affairs; Joshua Goodman, Deputy Commissioner for
6 Public Affairs and Customer Experience; and Kate
7 Kitchener, Director of Recycling and Sustainability.
8 Thank you for the opportunity to testify today on
9 worker safety and protections at DSNY as well as on
10 Introductions 978, 1131, and 1161.

11 I'm going to start off with a Trash
12 Revolution statement. As Commissioner Tisch shared
13 with this Committee in September, the City is in the
14 midst of a Trash Revolution. The Adams Administration
15 has implemented an ambitious and game-changing set of
16 new initiatives, programs, and policies around
17 reducing the impact of trash bags on the sidewalks,
18 fighting rats, and cleaning up our City. I'd like to
19 provide a brief summary of our agenda's milestones to
20 date starting with set out times. In April, we
21 implemented a new and simple standard for set out
22 times, no trash in black bags can be set out for
23 collection earlier than 8 p.m. Trash in bins can be
24 set out earlier, 6 p.m. for residents or an hour
25 before closing for businesses.

2 Business container rules. In August and
3 September, we implemented rules that required food-
4 related businesses and chain stores to containerize
5 their refuse. In mid-September, we announced a
6 proposed rule that would extend this requirement to
7 every commercial business in the City beginning on
8 March 1, 2024. That means 100 percent of the City's
9 businesses will be required to containerize their
10 refuse, accounting for nearly half of all trash in
11 the five boroughs.

12 Residential container rules. We are
13 taking a thoughtful approach to residential
14 containerization and focusing in on two parts,
15 solutions for buildings that have nine or fewer
16 units, and solutions for those with 10 or more units.
17 Two weeks ago, we announced our go-forward strategy
18 for nine or fewer units. By Fall 2024, those
19 residences will be required to use containers for
20 refuse, and by Summer 2026, those containers must be
21 official NYC wheelie bin. That will cover 95
22 percent of all residential properties in the City.
23 The official NYC Bins will be available for
24 purchase at a price point far below the market
25 value for comparably sized bins and will be

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2 designed for mechanized collection. We are still
3 considering the right solution for 10 or more
4 units. To that end, we are piloting shared
5 containerization in Hamilton Heights, which
6 includes 14 schools and 10 residential blocks.

7 Our drive to containerize also
8 celebrated another milestone on October 2nd of this
9 year. Curbside collection of organics began in
10 Brooklyn. All Brooklyn residents can source-
11 separate organics into containers with secure lids
12 for guaranteed collection of that material on
13 their recycling day. As of October 21st, under the
14 rules enacted pursuant to Local Law 85 of 2023,
15 organics separation became mandatory in both
16 Brooklyn and Queens. Until Spring 2025, the
17 Department will only issue warnings so that
18 residents in all five boroughs will have had
19 curbside collection for at least six months before
20 we issue violations.

21 Now, I would now like to turn to the
22 topic of today's hearing, safety and protections
23 for New York City's Sanitation Workers.

24 Workforce safety is a guiding principle
25 for this Department. As a former Sanitation worker

2 myself who started in 1999 behind a truck, I know
3 firsthand the importance of making sure that New
4 York City's strongest can safely collect, clean,
5 and plow our streets. Let me be clear, being a
6 Sanitation worker is grueling, difficult and
7 labor-intensive work, and our safety policies are
8 designed to account for the realities of
9 collecting and cleaning. The Department takes
10 great pride in preparing our workforce for the
11 challenging nature of the job. The Department
12 trains its Sanitation Workers from day one in the
13 Sanitation Academy on proper lifting techniques to
14 minimize strain and chance of injury.

15 Sanitation Workers receive a uniform
16 allowance that allows them to purchase Department-
17 prescribed personal protective equipment, which
18 includes work gloves, boots, eye coverings, and
19 reflective clothing. We instruct Sanitation
20 Workers on how to exit their vehicles to minimize
21 the risk of an incident with a vehicle or cyclist,
22 and we have all collection trucks equipped with
23 rearview cameras to give our workforce the benefit
24 of minimizing their blind spot when maneuvering
25 their vehicle for collections.

2 Training does not stop when a
3 Sanitation Worker graduates from the Academy.
4 Routinely, Department-wide messages on safety
5 practices are distributed to our garages and are
6 required to be read by supervising staff to all
7 Sanitation workers at the start-of-shift roll
8 calls. In the lead-up to winter each year, DSNY
9 conducts an in-service training for all uniformed
10 staff. The training refreshes the workforce on
11 safety protocols, the operations of all vehicles
12 and equipment, the proper procedures for attaching
13 snow plows and tire chains, and how to use two-way
14 radios.

15 The precautions we take and the
16 trainings we conduct will never mitigate all the
17 hazards. However, our drive to containerize
18 residential trash in the City is truly the next
19 frontier for-worker safety. The newly-announced
20 waste containerization requirements for residences
21 of nine or fewer units represent meaningful safety
22 improvements: 1) Sanitation Workers will handle less
23 material directly because the waste will be in
24 containers that can be manually tipped in collection
25 trucks; secondly, the stress and strain of carrying

2 containers to and from the collection truck will be
3 reduced thanks to wheels on the containers of
4 official NYC Bins; and third, we are assessing the
5 feasibility of giving our workforce the option for
6 mechanized tipping so that they can choose whether to
7 use that aid when on their routes.

8 As always with new equipment, we will the
9 review potential solutions with our partners in Local
10 831 and thoroughly field test them.

11 The safety improvements are not just
12 abstract ideas. They can be measured against the
13 categories of worker injury that will be less likely
14 as New Yorkers set out their waste in containers and
15 official NYC Bins. For example, in Fiscal Year 2023,
16 the Department recorded 760 injuries for its
17 uniformed workforce. Of those, more than 40 percent
18 were due to workers being splashed with an unknown
19 substance while hauling bags and loose material;
20 workers straining to lift and throw material into the
21 truck; and workers suffering lacerations and needle
22 sticks because they handled material directly. These
23 are the kinds of injuries that will become far less
24 likely when our workforce is collecting material

2 set out in wheeled containers and given the option
3 to use a mechanized tipping solution.

4 Now, I would now like to discuss another
5 critical part of the Department's efforts to improve
6 worker safety, replacing and enhancing DSNY's fleet.

7 Every day, approximately 1,500 heavy-duty
8 DSNY vehicles are on our City's streets. To properly
9 operate them, Sanitation Workers receive extensive
10 training in the Academy, which emphasizes watching
11 for blind spots while turning, always using a guide
12 person for backing up, using the parking brake,
13 operating a vehicle in poor weather conditions,
14 including, of course, snow, and entering and exiting
15 vehicles using three points of contact.

16 These safety practices are reinforced
17 during start-of-shift roll calls and through DSNY's
18 annual in-service training.

19 Newer trucks are also safer trucks, and
20 for the past two years we have made great strides in
21 improving the Department's fleet. Last year at this
22 time, our fleet's average age for rear loaders was
23 more than six years per vehicle. Thanks to
24 significant investments from the Adams
25 Administration, our rear loaders' average age is

2 expected to drop to just over four years in Fiscal
3 Year 2024. In addition to the rear loader
4 improvements, the Department has replaced almost 30
5 percent of its dual-bin trucks and 38 percent of its
6 mechanical brooms.

7 Along with a younger and healthier
8 fleet, the Department is systematically upgrading
9 every heavy-duty vehicle's standard safety
10 features. As I mentioned before, all collection
11 trucks and mechanical brooms are equipped with
12 rearview cameras, which significantly reduce the
13 driver's blind spot. Now, the Department is moving
14 forward with a 360-degree camera as a standard
15 feature of collection trucks and mechanical
16 brooms. The 360-degree cameras provide vehicle
17 operators with a full picture of their surrounding
18 environment, far beyond the visual field of side-
19 view mirrors. Before the Adams Administration,
20 these cameras were tested but never actually
21 piloted on our fleet. In partnership with Local
22 831, the Department successfully implemented these
23 cameras on collection trucks and mechanical
24 brooms, and they are now a standard feature for
25 all new truck and mechanical broom purchases.

2 Another standard feature for all new
3 collection trucks is the strobe light safety
4 system. The lighting system is a major step
5 forward in nighttime safety for our workforce as
6 well as drivers and cyclists on the road. Already,
7 more than 600 collection trucks have this lighting
8 system.

9 To conclude my testimony on the topic,
10 I'd like to address the Department's management of
11 worker complaints regarding safety. Sanitation
12 Workers are encouraged to raise workplace safety
13 concerns with their supervisors, and supervisors
14 are required to investigate each complaint and
15 document when a condition is found that warrants
16 further investigation or remediation.

17 Complaints can range from the need for
18 electrical repairs to the clearing of clogged
19 drains on garage floors. The Department tracks
20 those requests through our internal work request
21 system and actions for any necessary repairs.

22 Lastly, I will now turn to the three
23 pieces of legislation on today's agenda.

24 The first is Intro. 978 which would
25 require large chain stores to donate nonsalable

2 personal care products. This bill would require
3 the Department or another agency as designated by
4 the Mayor to set up a web portal to facilitate
5 donations of these products to qualified non-
6 profit organizations. While the Department supports
7 the bill's underlying goal of making personal care
8 products more available to those in need, DSNY is
9 not the appropriate entity to facilitate these
10 donations. The current DonateNYC platform is not
11 scalable for any additions without significant
12 financial investments. Given the current financial
13 climate, it is not an area where we can or should
14 allocate resources at this time.

15 The second is Intro. 1131, which would
16 give the Department of Sanitation authority to
17 enforce against unlicensed mobile car washes. The
18 Department supports this bill. We are at the
19 intersection of public space, businesses, and
20 communities, and we understand the importance of
21 ensuring our streets and sidewalks are clean. Our
22 enforcement operations prioritize compliance with
23 cleanliness and safety standards, including road
24 and sidewalk accessibility as well as proper waste
25 disposal.

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2 The last is Intro. 1161, which would
3 require collegiate and professional sports venues
4 to allow attendees to enter with a reusable
5 beverage container. The Department supports the
6 goal of this legislation as we encourage the use
7 of reusable items to reduce overall waste.

8 Thank you for the opportunity to
9 testify today. We are now happy to answer your
10 questions.

11 CHAIRPERSON NURSE: Thank you, and I
12 believe we're hearing from BIC as well.

13 DEPUTY COMMISSIONER FELDMAN: Good
14 afternoon, Chair Nurse and Members of the City
15 Council Commission on Sanitation and Solid Waste
16 Management. I am David Feldman, Deputy
17 Commissioner of Legal Affairs and General Counsel
18 at the New York City Business Integrity
19 Commission, or BIC. Thank you for the opportunity
20 to testify today on these important topics related
21 to safety in the trade waste industry.

22 BIC's mission continues to include
23 freeing the industries it regulates from the grip
24 of organized crime and other forms of corruption.
25 BIC currently regulates the trade waste, or

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2 commercial waste hauling industry, and the City's
3 public wholesale food markets, including the
4 Fulton Fish Market, the Hunts Point Produce
5 Market, and several others.

6 In addition to BIC's traditional role
7 of promoting public safety by fighting corruption
8 and ensuring that companies regulated by the
9 agency conduct their affairs with honesty and
10 integrity, BIC has, pursuant to legislation and
11 rulemaking over the past several years, expanded
12 its mission to include other types of safety,
13 including worker safety and traffic safety.

14 Trade waste collection is dangerous and
15 strenuous, and it presents challenges to workers
16 given that heavy-duty collection trucks must share
17 the road with other motor vehicles, cyclists, and
18 pedestrians. Although BIC does not employ or
19 supervise any sanitation workers, BIC works to
20 promote safety through regulation, enforcement,
21 and communication with private companies that haul
22 trade waste in New York City.

23 In that regard, Local Law 198 of 2019
24 gave BIC the power and authority to establish and
25 enforce traffic safety requirements for trade waste

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2 vehicles. As a result, failure to abide by traffic
3 safety laws constitutes a potential ground for
4 denial of a BIC license or registration. The
5 comprehensive background investigations that BIC
6 performs with respect to every applicant for a
7 license or registration, include review of driving
8 records and confirmation of adequate workers'
9 compensation insurance. BIC staff may request
10 additional documents or compel sworn testimony if
11 warranted. Finally, BIC can require a company to
12 retain a third-party independent monitor in
13 response to safety concerns or other issues.

14 Following the implementation of Local
15 Law 198 of 2019, BIC promulgated new rules
16 relating to traffic and vehicle safety. These
17 rules require companies to provide annual worker
18 safety training as well as defensive driving
19 courses for drivers every three years. The rules
20 also contain vehicle inspection and reporting
21 requirements and mandate vehicle safety equipment
22 like convex mirrors. BIC issues violations to
23 companies if workers are caught riding on the
24 outside of the truck, an extremely dangerous
25 practice, or if they cannot produce requested

2 daily driver vehicle inspection reports or
3 required reports for six-month inspections by a
4 qualified mechanic.

5 In addition, Local Law 56 of 2019
6 requires trade waste companies to provide workers
7 with and conspicuously post specific information
8 related to worker rights and safety, and Local Law
9 57 of 2019 requires BIC to refer labor-related
10 complaints to appropriate agencies such as the
11 Department of Labor, codifying the agency's previous
12 practice. Licensees and registrants must also abide
13 by federal hours of service requirements for workers
14 and must obey the requirements set forth in the New
15 York State Vehicle and Traffic Law.

16 BIC's enforcement activity has increased
17 significantly in recent years and months, and much of
18 that increase is attributable to our focus on safe
19 operations. In addition to issuing violations when a
20 BIC licensee or registrant fails to obey the relevant
21 laws and agency rules, BIC also issues violations to
22 companies that attempt to avoid regulation by
23 operating without a license or registration. Since
24 August 2022, more than 70 companies applied to BIC as
25 a result of such enforcement. BIC also issued more

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2 than 1,200 safety-related violations to licensees and
3 registrants in Fiscal Year 2023.

4 BIC ensures compliance through truck
5 stops and garage inspections by an Investigations
6 Unit that is staffed by peace officers, most of whom
7 were formerly with the NYPD, by working with an NYPD
8 squad embedded within the agency, and by resolving
9 complaints. BIC conducts an average of 260 truck
10 stops per month with investigators active on the
11 streets during staggered day, night, and weekend
12 shifts. Of the violations issued to regulated
13 companies in Fiscal Year 2023, approximately 60
14 percent were safety related. BIC's presence on the
15 street is well-known in the trade waste industry, and
16 it reinforces the message every day that safety must
17 be the number one priority during trade waste
18 operations.

19 Each year, BIC fields about 350
20 complaints with an average time to reach a resolution
21 of about seven days. Complaints may concern safety as
22 well as service, cleanliness, or other matters under
23 our authority. A BIC investigator is assigned to each
24 complaint. Followup may include coordinating between
25 a carter and customer or member of the public,

2 referring the matter to a partner agency, or
3 starting a longer-term investigation. BIC has
4 received complaints from trade waste workers in
5 the past, and we work diligently to investigate
6 each matter.

7 BIC's capacity to carry out our public
8 safety mission is enhanced by our partnerships. BIC
9 has been a member of the Vision Zero Task Force
10 since 2016 and regularly conducts joint street
11 enforcement with the NYPD's Transportation Division
12 and DSNY. We have a strong partnership with the
13 NYPD's Collision Investigation Squad, or CIS,
14 which investigates all fatal traffic collisions in
15 the City. When one of those collisions involves a
16 trade waste truck, CIS notifies BIC immediately,
17 and our investigators go to the scene and follow
18 up with the driver and company owner to ensure that
19 appropriate regulatory action is taken and that BIC
20 stays informed of pending criminal investigations.

21 In addition, one of BIC's investigators
22 recently completed a course focusing on federal
23 regulations and applying them during commercial
24 motor vehicle safety inspections, which will allow
25 BIC to do joint enforcement stops with the New York

2 State Department of Transportation and remove
3 vehicles from service if it is determined that the
4 vehicle is unsafe for operation.

5 Finally, I would like to briefly touch
6 on our efforts regarding outreach and engagement
7 with the trade waste industry. BIC's job as a
8 regulator involves balancing enforcement with
9 engagement. We are committed to effective industry
10 outreach and to working with the industry to ensure
11 compliance and promote public safety. Commissioner
12 Crotty and other members of BIC's team have
13 attended safety meetings at several trade waste
14 companies and have seen firsthand how important it is
15 to prioritize worker safety and public safety during
16 everyday operations. BIC sends regular electronic
17 communications to our licensees and registrants to
18 share information and resources related to safety,
19 and we engage directly with the industry to
20 address concerns and answer questions to help
21 comply with applicable safety rules.

22 For example, following a spike in the
23 issuance of safety violations this past spring, BIC
24 held a hybrid virtual and in-person town hall event
25 in April 2023 to address frequently asked questions.

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2 The event was attended by 300 participants. Notably,
3 safety violations have decreased since then even
4 though our truck stops have continued with the same
5 frequency, indicating a potential uptick in
6 compliance. We look forward to hosting similar events
7 in the future.

8 Thank you for the opportunity to testify
9 this morning. I am now happy to answer any questions.

10 CHAIRPERSON NURSE: Thank you so much.
11 Thank you for your testimony.

12 We're going to start out with questions
13 about the DSNY labor force and then we'll have
14 questions about the private Sanitation sector.

15 I want to acknowledge Council Member
16 Yeger. Thanks for being here.

17 One, congratulations on a new class of
18 workers. It's really exciting. We love to see more
19 boots on the ground. We know the last exams were
20 given in 2022 and 2015. Do you all know when the next
21 or anticipate when a next academy for a new class of
22 workers will be announced?

23 FIRST DEPUTY COMMISSIONER LOJAN: Sure. As
24 of right now, the class of 95 Sanitation workers that
25 went in yesterday is the last projected class for

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2 this calendar year. As of right now, we don't have an
3 anticipated date for additional classes at this time.

4 CHAIRPERSON NURSE: Are you all doing
5 recruitment efforts in high schools or colleges? I
6 know that you've done some stuff out in different
7 communities right before this test, which was
8 exciting, I know our office went out and helped, but
9 just how are you doing recruitment to New Yorkers?

10 FIRST DEPUTY COMMISSIONER LOJAN: I'll
11 pass that question to Deputy Commissioner Goodman.

12 DEPUTY COMMISSIONER GOODMAN: Thank you.
13 Ahead of the 2022 Sanitation worker exam, we did
14 substantial outreach that did include a heavy focus
15 on high schools, community colleges, private and
16 public institutions of higher learning. The
17 Sanitation worker exam comes up every few years. It's
18 something that will always be a part of that
19 outreach. In the interim, we also do school-based
20 outreach for civilian and other positions.

21 CHAIRPERSON NURSE: Great, and how many
22 individuals have taken the civil service exam and are
23 on DSNY's hiring/wait list?

24 FIRST DEPUTY COMMISSIONER LOJAN:
25 According to our records, about 50,000 people took

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2 the Sanitation worker exam in 2022, and about 31,000
3 people made it onto the list.

4 CHAIRPERSON NURSE: Awesome. You mentioned
5 about safety training so I won't re-ask about that,
6 but just to clarify that the supervisors are reading
7 out messages on a daily basis. Is there anything else
8 you want to expand on safety trainings beyond the
9 testimony?

10 FIRST DEPUTY COMMISSIONER LOJAN: Sure.
11 Our annual in-house service training is the
12 opportunity, it was previously our annual snow
13 training, we have then shifted to a different model
14 which is kind of covering a wider range of aspects of
15 the job. Safety as I mentioned in my testimony is
16 paramount to our operation. Again, as I mentioned
17 before, I started off as a Sanitation worker and I
18 did it for five years so I know firsthand the dangers
19 of working behind a truck so we always take that
20 importance to the workforce to this day so the annual
21 in-house service training takes all that, driving,
22 working behind a truck, proper lifting procedures,
23 and, of course, pedestrian and bicyclist safety when
24 driving.

25

2 CHAIRPERSON NURSE: In terms of gender and
3 racial disparity, we know the current labor force is
4 about 3 percent identifying as women. How has DSNY,
5 or is DSNY encouraging more women to join the
6 workforce, what have been any reported obstacles for
7 more women to join, what efforts, if any, are you all
8 working on for retaining employees that identify as
9 women?

10 FIRST DEPUTY COMMISSIONER LOJAN: I'll
11 pass on some of the things to Deputy Commissioner
12 Goodman, but, before I move on, our recent stats on
13 uniformed female workers in the agency are 9 percent
14 so it has improved since I guess the last data set
15 you had which I'll be glad to share with you and your
16 staff.

17 DEPUTY COMMISSIONER GOODMAN: I'll just
18 add that it was a substantial focus of our outreach
19 the civil service exam really trying emphasize that
20 this is a job for anyone who wants to serve the City
21 of New York. This is not a job for one kind of New
22 Yorker. This is a job for anybody who cares about
23 their neighborhoods. We really put women front and
24 center in our campaigns around recruitment for the
25

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2 civil service exam last year. Always more to do, but
3 we were happy with the results.

4 CHAIRPERSON NURSE: At some point if you
5 don't have it now, would you be able to break that
6 down between, for example, uniformed versus civilian
7 percentages?

8 DEPUTY COMMISSIONER GOODMAN: Yes,
9 definitely, we can definitely do that.

10 CHAIRPERSON NURSE: Okay, and what is the
11 general average length of time that women employees
12 stay at DSNY?

13 FIRST DEPUTY COMMISSIONER LOJAN: I don't
14 have any actual stats, but just anecdotally speaking,
15 my experience is that women, especially recently come
16 on the job, they stay throughout to try to obviously
17 reach service retirement age. The good thing about
18 this agency and, again, I want to keep bringing up
19 myself as an example, is that there are many
20 promotional opportunities that come up. Today is the
21 last day for filing for the supervisor exam, which is
22 very appealing for many of the workforce. Obviously,
23 there's another opportunity after that with the
24 general superintendent exam. I think the advancement
25 opportunities keeps, not only female Sanitation

2 workers, but all Sanitation workers engaged and
3 wanting to stay here as a lifelong career.

4 CHAIRPERSON NURSE: Also, I just wanted to
5 note I think we've brought it up a couple of times in
6 our budget hearings that I believe all of the garages
7 now have different-gendered bathrooms at this point.
8 Are those all completed?

9 FIRST DEPUTY COMMISSIONER LOJAN: Correct,
10 yes, they've all been completed thankfully.

11 CHAIRPERSON NURSE: That's awesome. Just
12 quickly on racial disparity. In addition to being a
13 largely majority male force, the bulk of current
14 labor force is identified as white. Can you describe
15 any DEI initiatives that DSNY engages in to foster an
16 inclusive workplace for people of color and, if at
17 all, do you have any information on the length of
18 time folks are staying with DSNY, if you're seeing
19 more people of color move into these leadership or
20 senior executive, senior leadership roles?

21 FIRST DEPUTY COMMISSIONER LOJAN: One of
22 the things that Commissioner Tish has done and we've
23 done with previous Administrations as well is engage
24 all the affiliated organizations. For example, the
25 African American Benevolent Association, the Hispanic

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2 Society, to name a few are organizations that we
3 always engage and try to get them to have their
4 membership take the advancement opportunities and
5 take the promotional exams, but, as far as any actual
6 stats, I don't have anything right now as far as like
7 the progression over time, but I'd be glad to look at
8 that for you and get you something.

9 CHAIRPERSON NURSE: Great. We'll follow
10 up. Just in terms of moving folks into leadership or
11 supervisory positions, I know you have some things
12 coming up, does that come with any workshops or
13 things that you all host inside DSNY to prepare
14 people for those exams?

15 FIRST DEPUTY COMMISSIONER LOJAN: Yeah,
16 actually one of the things that the Commissioner did
17 this time around, as I mentioned before the
18 supervisor filing, is she made a lot of general
19 department materials available to anybody in the
20 workforce, even to somebody that didn't have access
21 to a department computer so we were able to get them
22 all the materials so they can study, have that ahead
23 of time. We did that well in advance of the actual
24 filing date. Again, we encourage and promote any kind

25

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2 of study sessions that the affiliated organizations
3 have so those are some of the things to name a few.

4 CHAIRPERSON NURSE: Okay. Just want to
5 talk quickly about the vacancy rate. As of August
6 2023, DSNY civilian positions held a 7.1 percent
7 vacancy rate. What programs or services, if any, have
8 been delayed as a result of this vacancy rate?

9 FIRST DEPUTY COMMISSIONER LOJAN:
10 Thankfully, no programs or services have been delayed
11 as a result of the vacancy rate, and we've onboarded
12 34 civilian positions since then.

13 CHAIRPERSON NURSE: Okay. My understanding
14 is that you all have hired 280 positions beyond what
15 you're budgeted for. Can you describe the reasons for
16 that?

17 FIRST DEPUTY COMMISSIONER LOJAN: Sure.
18 Because of a lot of the preparation for the snow
19 season, OMB allows us to frontload our hiring to
20 account for the attrition as well so the projected
21 attrition fluctuates from year to year, so the 280 is
22 accounting for the attrition that we're going to
23 experience throughout the Fiscal Year.

24 CHAIRPERSON NURSE: Okay, great. How will
25 the PEGs proposed by the Mayor, the letter that went

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2 out, how is that anticipated to impact DSNY's
3 workforce, if there are specific positions, programs,
4 or operations that will be impacted?

5 FIRST DEPUTY COMMISSIONER LOJAN: Right
6 now, we're still in very early conversations with OMB
7 so right now I really don't have anything to speak on
8 at this point.

9 CHAIRPERSON NURSE: Okay. Lastly,
10 retirement. What percentage of DSNY staff remain
11 employed at the agency after they become eligible for
12 retirement with a pension?

13 FIRST DEPUTY COMMISSIONER LOJAN:
14 Presently, approximately 7 percent of uniform staff
15 have more than 20 years of service, which is
16 retirement eligible, and civilian staff, they have
17 several different service age targets for pension
18 eligibility so it's a little bit difficult to project
19 that number.

20 CHAIRPERSON NURSE: Okay, so 7 percent
21 currently...

22 FIRST DEPUTY COMMISSIONER LOJAN: Are
23 beyond 20 years.

24 CHAIRPERSON NURSE: Right, okay. I know we
25 passed legislation I think requiring all City

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2 agencies do exit interviews, but is this something
3 that you all were doing previously?

4 FIRST DEPUTY COMMISSIONER LOJAN: Yeah,
5 it's one of the things we've always done
6 historically. Recently, we started thinking about
7 doing more of it in electronic form, but we've always
8 done a paper exit interview form. All the uniformed
9 retirees or separations are done at the Personnel
10 Management Division at headquarters, and all the
11 Sanitation workers are required to fill out an exit
12 interview form when they file for retirement.

13 CHAIRPERSON NURSE: Okay. Are there top
14 reported reasons given for employees leaving before
15 they hit that retirement eligibility?

16 FIRST DEPUTY COMMISSIONER LOJAN: We've
17 come across various reasons, but nothing unique to
18 DSNY. Obviously, some of it's salary related, but
19 really nothing that stands out that's different from
20 other uniformed agencies?

21 CHAIRPERSON NURSE: Is there a top reason?

22 FIRST DEPUTY COMMISSIONER LOJAN: No, not
23 really. Pretty much the same as other agencies.

24 CHAIRPERSON NURSE: Okay, so just not
25 enough salary is an issue?

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2 FIRST DEPUTY COMMISSIONER LOJAN: Yeah,
3 not enough salary is an issue.

4 CHAIRPERSON NURSE: Okay, there's no other
5 reason?

6 FIRST DEPUTY COMMISSIONER LOJAN: I mean
7 I'd have to get more of the data, but right now I
8 really don't have anything.

9 CHAIRPERSON NURSE: Okay, no problem. I'm
10 going to pause here and open it up for some questions
11 from Members in case they have a bunch of things they
12 are scheduled and then come back to discuss DSNY
13 occupational accidents.

14 I believe we have Council Member
15 Salamanca.

16 COUNCIL MEMBER SALAMANCA: Thank you,
17 Madam Chair. Good afternoon. Thank you for attending
18 today's hearing.

19 I want to start by really thanking your
20 agency for the relationship that my office and your
21 office has, and it's shown in my community,
22 especially addressing the illegal dumping. I have to
23 IBZs, industrial business zones, that are prone for
24 illegal dumping. I know my Colleague has the same
25 issue as well, and being able to work with you all to

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2 allocate funding to put these cameras and capture
3 these individuals who choose to dump their garbage
4 and destroy our communities and really holding them
5 accountable has played a major impact in my community
6 so thank you for that.

7 I want to thank you also for your support
8 for Intro. 1131, which will address or give you the
9 authority to enforce these illegal car washes. Should
10 this law and when this law gets passed, how do you
11 envision enforcing these illegal car washes?

12 FIRST DEPUTY COMMISSIONER LOJAN: I'm
13 going to pass that on to Deputy Commissioner Merola
14 for this.

15 DEPUTY COMMISSIONER MEROLA: Thank you,
16 Council Member. We're working through those details
17 now, but, generally the way the law is written, the
18 Department itself, as the Department, would have the
19 authority which means that we'd be looking to assess
20 whether it would be enforcement, supervisors, or a
21 combination thereof. I do know that, as you know,
22 we've gone through every neighborhood with our
23 supervisors looking at cleanliness issues, our
24 enforcement team is looking at cleanliness issues,
25 our Sanitation police are looking at illegal dumping,

2 so we have the right types of people ready to go on
3 this. What I would also add is that because there
4 might be a nature of confiscations here, this is part
5 of concurrent authority of DCWP that we could do that
6 that couldn't because we have Sanitation police, we'd
7 be able to effect that. The details, talk to you more
8 about it as we look at, but it gives us broadly a way
9 of doing it throughout the whole agency.

10 COUNCIL MEMBER SALAMANCA: Currently, when
11 these bills came about, the amount of car washes that
12 are popping up in my communities, some of my
13 Colleagues in the Bronx, this issue is bigger in
14 their District than it is in mine, and so it came
15 about because we realized when this alternate side
16 parking and your mechanical broom, your broom is
17 coming down the block, these vans are not moving and
18 therefore our streets are remaining as is, dirty.
19 What are you currently doing now for when these vans
20 are not moving for alternate side parking and have no
21 tags because many of them do not have licenses or
22 registrations?

23 DEPUTY COMMISSIONER MEROLA: Whenever we
24 encounter vehicles that are preventing our brooms
25 from getting down the streets, we have, of course,

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2 the ability to ticket them. If we see no license
3 plates, this is also where we partner with the local
4 precinct and report if it's something that's not an
5 abandoned vehicle, it's actually an occupied vehicle
6 and we can't move it, but we are constantly trying to
7 monitor the streets for our brooms' ability to
8 navigate them. We understand that this creates a
9 particular issue in your community and others. A lot
10 of our Bronx garages watch for this and make sure
11 that they know those streets that they might not be
12 able to get brooms down and pay close attention to
13 them.

14 COUNCIL MEMBER SALAMANCA: Having mobile
15 car washes is permissible in the City of New York if
16 you legally have a license through the Department of
17 Consumer Affairs. How would you envision working with
18 the Department of Consumer Affairs should this bill
19 be passed?

20 DEPUTY COMMISSIONER MEROLA: I've spoken
21 with our colleagues at the Department of Consumer
22 Affairs and Worker Protection now, and they very much
23 so appreciate that there is an open process for folks
24 to get licenses. This is not a capped process. This
25 is something that they just don't get the number of

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2 applicants for the amount of car washes that are seen
3 in the street. They're thinking through that as well.
4 DCWP is excited to have a partner in trying to make
5 sure that unlicensed car washes have more meaningful
6 enforcement and that it might bring more people into
7 the fold.

8 COUNCIL MEMBER SALAMANCA: I know that
9 back in 2020, the Department of Consumer Affairs,
10 they undertook a public campaign to ensure that
11 mobile car wash vendors were licensed, basically
12 educating them. Should this bill be passed, how can
13 you work with the Department of Consumer Affairs
14 prior to going out and enforcing and picking up these
15 vans on educating them on the pros and cons getting
16 licensed and giving them the ranges of the licenses
17 which I see here they're between 137 dollars to 550
18 dollars depending on the size and the timeframe of
19 the license?

20 DEPUTY COMMISSIONER MEROLA: That is a
21 question I'm going to come back to you on after I've
22 had more conversations with my partners there. They
23 understand there is a need for that type of education
24 that you're describing so people know what the
25 licensing fee is but also what the requirements are

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2 based on the licensing fee. I'll come back to you
3 with that, sir.

4 COUNCIL MEMBER SALAMANCA: All right. With
5 that, I want to thank you again for your support, and
6 I thank you, Madam Chair, for allowing me to
7 introduce this bill and have a hearing.

8 CHAIRPERSON NURSE: Thank you, Council
9 Member Salamanca. I just want to acknowledge Council
10 Member Gennaro.

11 I'm going to pass it to another Member,
12 but since we're on the topic, I had just a couple
13 questions related to Intro. 1131, and forgive me if
14 you already said. Does the Department currently have
15 the necessary infrastructure to store vehicles or
16 equipment seized if this bill is enacted into law?

17 DEPUTY COMMISSIONER MEROLA: The
18 Department has the necessary infrastructure to store
19 vehicles and equipment seized. We would, of course,
20 see what those numbers get to because it's not
21 unlimited space, but we also don't envision
22 necessarily this being a confiscation-heavy operation
23 yet. We need to get on the ground and see what it's
24 like after we start talking to a number of the folks

25

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2 who are unlicensed and seeing how violations being
3 issued changes or affects the streetscape.

4 CHAIRPERSON NURSE: Is the Department
5 staffed to undertake the enforcement required for
6 these additional duties?

7 DEPUTY COMMISSIONER MEROLA: We are
8 assessing that now with our partners at OMB.

9 CHAIRPERSON NURSE: I have a question a
10 little bit more about how this would work. When
11 somebody calls the District or tweets at us or
12 whatever, we call the garage or a community affairs
13 person, hey, we got this going on over there, and, if
14 they can, they'll go try to deal with it. Sometimes
15 if they've gotten extra money from the Council Member
16 they have more flexibility, they can send people to
17 do it. Is this going to be the same process in terms
18 of which type of worker will respond because a lot of
19 times this is a situation where a car washes is in
20 front of someone's driveway or it's on a random
21 street and there's a whole line of people lined up to
22 get their car washed in a random area so how would
23 that work, how would Council Members interact with
24 that, because the way the street vending has been,
25 that was a recent addition to your portfolio, is it's

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2 not clear if we could just call the garage or if we
3 could just call our district supervisor. Who exactly
4 is dealing with that at the district level or if we
5 have to engage directly at a higher-up level, which
6 might not be the best use of your time, so how will
7 this be operationalized in a way that kind of fits
8 into how we normally engage with these types of calls
9 and requests?

10 DEPUTY COMMISSIONER MEROLA: Chair, my
11 answer to that will be I have to come back to you
12 with details. The reason being is that we are given a
13 lot of flexibility under the law as it's proposed
14 right now for our supervisors and our enforcement
15 agents and our police, it seems to be able to do
16 violation-issuing inspections which is very helpful
17 in that so I don't want to say how the operation
18 would work yet in theory or in practice, but I would
19 say that all of our garages are always talking to the
20 boroughs and talking to enforcement, and we make sure
21 that when issues are brought to us it is circulated
22 within the agency to the right place, which is why I
23 need to work out those details so the right place is
24 apparent and that type of communication structure
25 will flow the same way.

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2 CHAIRPERSON NURSE: Just because a lot of
3 this stuff happens out of traditional business hours,
4 we're talking late nights, weekends, Sundays, are you
5 all going to have a staffing plan to be able to go
6 out and respond to these things quickly?

7 DEPUTY COMMISSIONER MEROLA: The same way
8 we do with enforcement today and supervisors
9 generally across the city, we will have a staffing
10 plan to understand what to do and at what hours.

11 CHAIRPERSON NURSE: Okay, great. Last
12 question around this is what role would DEP play at
13 all, because I know some of this is related to
14 hydrants and water and contaminants of the wrong
15 types of chemicals potentially going down the drains,
16 I don't really know, but I just imagine DEP might
17 have some insight on some of the more environmental
18 issues that are produced because of these operations?

19 DEPUTY COMMISSIONER MEROLA: We routinely
20 work with DEP on a number of issues like catch
21 basins. We would be in contact with them as we see
22 anything that requires their attention, fire hydrant
23 usage, of course, both yourself and Council Member
24 Salamanca mentioned it. We've seen it on the streets.
25 It's one of the big problems that we note with these.

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2 We're going to have to talk to them, we're going to
3 have to talk to Fire too, so we're going to have
4 communications on this, and, and as we see more
5 dangerous situations I imagine if this comes to pass,
6 we'd probably want to put out outreach and education
7 on what those chemicals can do if they're being used
8 and what the problems are for the environment.

9 CHAIRPERSON NURSE: Just my only other
10 question, just given the state of our sidewalks and
11 our streets, I feel crazy going down the street as
12 I'm sure most people do because there's just so much
13 trash everywhere, I mean it's just a massive
14 operation that's required. Is taking on these
15 additional portfolios moving resources away from the
16 main mission at hand which is ensuring these trash
17 cans are clean, the sidewalks are clean, the dump-
18 outs are dealt with, that we don't have people
19 sending us stuff all the time, that you all have
20 enough workers in the garage to go out and respond
21 instead of all of these other things now that are
22 coming under the portfolio?

23 DEPUTY COMMISSIONER MEROLA: I would say
24 that what is in the portfolio as it is, what could
25 come into the portfolio so far has a nexus to, as you

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2 said, keeping our streets clean, and while that is a
3 large job, admittedly so, it is something that we try
4 and take very seriously across all functions of the
5 agency because we know keeping our streets from
6 dumping, keeping our streets clean from abandoned
7 vehicles, potentially now with car washes, that will
8 have a cascading impact if done right with
9 enforcement and it will make our neighborhoods
10 cleaner, it'll improve quality of life. We think that
11 is related to our core mission.

12 CHAIRPERSON NURSE: Thank you. I'm going
13 to pass it to Council Member Velázquez.

14 COUNCIL MEMBER VELÁZQUEZ: Thank you. I
15 have a couple of questions for you.

16 First of all, I want to thank you for the
17 work you're doing with the garages for both Stations
18 10 and 11. We know that they have been in chronic
19 disrepair for ages, and we're looking forward to that
20 significant investment in a new building, and I also
21 want to give credit where credit is due with the
22 workers there and how they were able to the point
23 where we're having more women join the force, really
24 fix the restrooms for that facility so let's give
25 them a credit and thank the workforce there.

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2 That being said, how has the Department
3 involved the union in the design of pilot programs
4 and use of new technologies such as new bins, cans,
5 and truck outfits which are intended to be used by
6 the workforce?

7 FIRST DEPUTY COMMISSIONER LOJAN: Sure. We
8 always involve the union when it comes to any kind of
9 new equipment or technology that's going to involve
10 Sanitation workers using it. They have an Equipment
11 Committee that's comprised of six Sanitation workers
12 chosen by the union themselves. Anytime we introduce
13 something, we speak to the union, they ask us to
14 convene the Committee, and we gladly do so. They're
15 released for the day. Depending on where, most of the
16 time it occurs in our central repair shop in Woodside
17 Queens, and we go over the equipment and then they
18 provide feedback or any comments on it. Most of the
19 time, we always make adjustments to anything or any
20 feedback that they have. Obviously, if it's possible,
21 if it's not restricted through any kind of
22 engineering constraints or anything like that so
23 that's usually how we deal with it.

24 COUNCIL MEMBER VELÁZQUEZ: Thank you. I
25 also have an additional question. What steps has the

2 Department taken to ensure that the new technologies
3 and tools account for worker safety?

4 FIRST DEPUTY COMMISSIONER LOJAN: That's
5 one of the things that we definitely take very
6 seriously. As I mentioned in my testimony, the backup
7 cameras in all our collection trucks and mechanical
8 brooms and the addition of the 360 cameras, which
9 gives a bird's eye view of the surrounding of the
10 truck which is really helpful for all the workers,
11 especially when, there are times when your partner is
12 not always visible or if you're driving on a relay to
13 offload a truck somewhere and you're by yourself, and
14 we're always looking and working with DCAS on new
15 technologies that we can implement in all our
16 vehicles.

17 COUNCIL MEMBER VELÁZQUEZ: I appreciate
18 it. Thank you so much. Thank you, Chair.

19 CHAIRPERSON NURSE: Thank you, Council
20 Member. Council Member Farías.

21 COUNCIL MEMBER FARÍAS: Thank you, Chair.
22 I just had a quick question. Last hearing, the
23 Commissioner said there was an error with the number
24 of contracts Sanitation said they could award to
25 carters. Do we have any updates on that, will less

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2 carters be selected for the Commercial Waste Zones
3 program?

4 DEPUTY COMMISSIONER MEROLA: Council
5 Member, thank you for that question. The Commissioner
6 had testified that the vendor that was doing part of
7 the scoring algorithm, Arcadis, had made an error in
8 its calculations which was caught, reviewed, and any
9 carter that was impacted that could have been
10 potential awardee had a conversation with us and
11 we've corrected that since.

12 In terms of less or more, there is still
13 an ongoing procurement so I can't talk right now
14 about any number of awards that may be finalized soon
15 and what that number would be, but we did get in
16 contact with those that were impacted and we had
17 worked through that with them.

18 COUNCIL MEMBER FARIÁS: Okay, so is it
19 assumed for us to believe that the folks that were
20 notified that they would be receiving a contract or
21 that they were on a waiting list or actually have
22 been contacted and will be given a contract?

23 DEPUTY COMMISSIONER MEROLA: We were in
24 touch in early summer with a number of the applicants
25 to let them know whether we would be speaking to them

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2 about potential awards. We're still in the stage of
3 having those conversations, we're getting close to
4 finalizing them, don't get me wrong, but those
5 conversations are still ongoing, and I think that's,
6 I'm not trying to be, I apologize, I think that's the
7 water's edge of where I am in terms of what I can say
8 about what's going on with the potential awardees.

9 COUNCIL MEMBER FARIÁS: Sure. I can follow
10 up offline.

11 DEPUTY COMMISSIONER MEROLA: Thank you.

12 COUNCIL MEMBER FARIÁS: No problem. Thank
13 you. Thank you, Chair.

14 CHAIRPERSON NURSE: Council Member
15 Bottcher.

16 COUNCIL MEMBER BOTTCHER: Good afternoon.

17 I want to ask about the building superintendents
18 who've reached out to us, they've reached out to you,
19 these are not building supers that are represented by
20 32BJ, they're ununionized, they tend to represent
21 small buildings, and they've been reaching out to us
22 about the impact of the change in set-out times for
23 residential trash. It used to be no earlier than 4
24 o'clock. Now, it's no earlier than 8 p.m., 6 p.m. if
25 it's containerized. What we've been hearing from them

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2 is that supers used to work from early morning until
3 late afternoon. Now, they often have to work from
4 early morning until after 9 o'clock at night because
5 they have to wait to set it out at 8 o'clock. We've
6 met with them, Chair Nurse and I. They shared with us
7 about the impact that this is having on their lives.
8 They can't have dinners with their families, they
9 can't have any kind of life in addition to the
10 physical toll that it's been taking. I think the 8
11 p.m. set-out time was generally a great idea and a
12 positive impact, but this group of supers, they
13 haven't had traction getting the attention of DSNY.
14 They've requested a meeting with the Commissioner. We
15 put forward that request. Will the Department commit
16 to sitting down with these supers as they started
17 their own group called NYC Supers, will the
18 Commissioner sit with them and talk through their
19 concerns and think about what solutions there might
20 be to address it?

21 DEPUTY COMMISSIONER GOODMAN: Thanks,
22 Council Member. I can speak to that. I can say at
23 this point multiple members of this panel have been
24 in direct correspondence or conversation with the
25 group you're referring to. I've spoken to Mr. Romeo

2 directly. I know members of Deputy Commissioner
3 Morelo's team have corresponded as well with the NYC
4 Building Supers. The feedback has been heard
5 substantially. I'll also say that these changes, as
6 you know, were not made capriciously. They were done
7 after substantial research that showed us that the 4
8 p.m. set-out time was by far the earliest of any
9 major city in the country. I mean when you talk about
10 what used to happen, what used to happen was that
11 bags of trash sat on the curb all afternoon, and that
12 was unacceptable so we appreciate that feedback,
13 we've heard that feedback. I also can, if I can add a
14 plug, many of the questions that have been posed
15 publicly about what might happen in the future by the
16 group that you're referring to are actually answered
17 in our containerization report at
18 nyc.gov/futureoftrash. I would encourage everyone to
19 read it because I've received correspondence from
20 them that says well, what are you going to do about
21 this or that. The answers are there at
22 nyc.gov/futureoftrash. Happy to continue
23 corresponding with them.

24 COUNCIL MEMBER BOTTCHER: What they've
25 been told essentially is you can put it out at 6, you

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2 just have to containerize it. The issue with that for
3 many buildings, including Mr. Romeo who is a super in
4 Chelsea a few blocks away from me, is that they'd
5 have to put out over 20 containers to fit everything.
6 They can't store all those containers. What this
7 group has asked is that you consider letting the
8 cardboard be put out without containers.

9 DEPUTY COMMISSIONER GOODMAN: Two pieces
10 of response to that. There's actually already an
11 option for large buildings like Mr. Romeo's for an
12 early morning time. Every January, any building with
13 nine or more units is able to opt in to set out the
14 trash between 4 and 7 a.m., and that was something we
15 worked out with 32BJ. That was some feedback that we
16 received early on in this process and that we were
17 happy to incorporate based on that expert perspective
18 so that's an option that's there, the early morning
19 time.

20 On the cardboard, cardboard does not need
21 to go in a container. If the refuse is containerized
22 and goes out at 6 p.m., the cardboard can go right
23 alongside it at 6 p.m. That's already in the rules.
24 This is again why I mentioned that many of the pieces
25 of feedback have been heard and answered. 20

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2 containers may be appropriate for the refuse, I'm not
3 sure if that number includes cardboard. The cardboard
4 does not need to be containerized alongside the
5 trash.

6 COUNCIL MEMBER BOTTCHEER: And plastic and
7 glass?

8 DEPUTY COMMISSIONER GOODMAN: I believe it
9 does need to be containerized, but let me doublecheck
10 on that. I know the cardboard was a piece of feedback
11 we heard during the rulemaking process.

12 COUNCIL MEMBER BOTTCHEER: Have you
13 communicated that to Mr. Romeo?

14 DEPUTY COMMISSIONER GOODMAN: It's in the
15 published rule. I'm not sure whether we have
16 communicated that one directly.

17 COUNCIL MEMBER BOTTCHEER: Can we meet and
18 talk this through? I think you've had conversations
19 in passing on the phone. That hasn't been working. I
20 think we need to sit down and talk all this through.
21 Can we?

22 DEPUTY COMMISSIONER GOODMAN: Let's be in
23 touch about it.

24 COUNCIL MEMBER BOTTCHEER: Okay, thank you.

25

2 CHAIRPERSON NURSE: Thank you, Council
3 Member Bottcher.

4 I agree. I think it's always great to sit
5 down and talk with people even if you've e-mailed or
6 spoken on the phone. Sometimes it's just a better
7 touch. Folks feel heard, and obviously that's why
8 it's so great to have a unionized workforce, and I
9 really wish that they were a part of it because I
10 think some of those issues are related to that sector
11 and some of the pressures that they're feeling that
12 potentially they wouldn't feel if they were a part of
13 a union. Small plug.

14 Okay, so I'm going to go back to my line
15 of questioning. If Council Members think of something
16 you want to ask, just let me know.

17 I want to talk about the DSNY workers
18 occupational accidents and injuries or injuries to
19 pedestrians just briefly and then we'll move into the
20 private sector. How many work-related fatalities did
21 DSNY have in Calendar Year 2022?

22 FIRST DEPUTY COMMISSIONER LOJAN: In
23 Calendar Year 2022, we did not have any fatalities,
24 but I do want to state that in current Calendar Year
25 2023 we haven't had any directly related fatalities

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2 of any workers while in performance of their duties,
3 but there were fatalities of 13 Sanitation workers
4 who are active but not in the course of their duties
5 so, unfortunately, we've had a few freak incidents
6 and they weren't actually performing their duties but
7 they were active members so I just want to...

8 CHAIRPERSON NURSE: Outside of work?

9 FIRST DEPUTY COMMISSIONER LOJAN: Some of
10 them were actually working. It just wasn't in the
11 performance of their duties, like during a break,
12 could've been different situations.

13 CHAIRPERSON NURSE: So not related to
14 equipment or collections or anything like that?

15 FIRST DEPUTY COMMISSIONER LOJAN: Correct.

16 CHAIRPERSON NURSE: Got it. Sorry for
17 that.

18 When something like that happens, can you
19 just briefly go over the process, procedures, steps
20 that happen for the record?

21 FIRST DEPUTY COMMISSIONER LOJAN: Sure.

22 Immediately, through channels, headquarters is
23 notified. All the exec staff and the unions are
24 notified. Obviously, if the family members are not
25 informed, then we reach out to them. If it's like

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2 something that requires external authorities, we
3 always work with NYPD or FDNY or any external entity
4 on that. Internally, we always provide support
5 through our employee assistance unit so usually we
6 send counselors to the work location for any kind of
7 support they need, and we always work closely with
8 the unions and the workforce on anything that they
9 need related to that.

10 CHAIRPERSON NURSE: For injuries, how many
11 injuries occurred, work-related, in 2022 and/or 2023?

12 FIRST DEPUTY COMMISSIONER LOJAN: Part of
13 our MMR reporting is the line of duty injuries so for
14 Fiscal Year 2023, there were 760 work-related
15 injuries.

16 CHAIRPERSON NURSE: Can you describe the
17 circumstances under which these injuries occurred?

18 FIRST DEPUTY COMMISSIONER LOJAN: Sure.
19 Obviously, they varied greatly, but the majority of
20 them were due to sprains and strains, cuts,
21 punctures, and then crushing and bruising, and
22 fractures.

23 CHAIRPERSON NURSE: Mostly during
24 collections?

25

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2 FIRST DEPUTY COMMISSIONER LOJAN: Yes,
3 most during collections.

4 CHAIRPERSON NURSE: All right. Then
5 injuries to civilians and pedestrians, what processes
6 are initiated when DSNY is involved in the fatality
7 of injury of a pedestrian or other civilian, and are
8 there any common scenarios in which a pedestrian is
9 injured?

10 FIRST DEPUTY COMMISSIONER LOJAN:
11 Immediately, NYPD is notified, and we always follow
12 their lead on that. We always do a post-accident
13 performance evaluation which entails drug and alcohol
14 testing, and then the employee is not eligible to
15 drive until the results of those tests come back as
16 cleared.

17 In some cases, they may be required to
18 physical fitness testing at our healthcare facility
19 located on Beaver Street and then they look for
20 clearance as well.

21 CHAIRPERSON NURSE: Are the majority of
22 incidents in collections or are there any post-
23 collections injuries that you all report?

24 FIRST DEPUTY COMMISSIONER LOJAN: It
25 varies. The majority of them are during collections.

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2 There are a lot of them that happen during our
3 employees relaying trucks to offload at the disposal
4 facilities so it ranges, but the majority of them are
5 during household collection operations.

6 CHAIRPERSON NURSE: Okay, thanks. I'm
7 going to pause.

8 COUNCIL MEMBER OSSÉ: Thank you, Chair
9 Nurse. Excuse me if I am repeating a question. There
10 was a hearing next door.

11 On monetary relief and aid for Sanitation
12 workers, does that exist when Sanitation workers and
13 their families are in an event of an injury or death
14 on the job? Do they receive compensation for an
15 accident if that were to happen?

16 FIRST DEPUTY COMMISSIONER LOJAN: I
17 believe that they're entitled, depending on who the
18 beneficiary is, they're entitled to whatever they
19 contributed to their pension. If the employee is able
20 to retire and then passes away, then if they elect to
21 leave that benefit to somebody, then that would be
22 passed on to them, but that's the extent of what's
23 provided to them.

24 COUNCIL MEMBER OSSÉ: That's it. Thank
25 you.

2 CHAIRPERSON NURSE: Thank you. I'm just
3 going to bring up Council Member Farías again.

4 COUNCIL MEMBER FARÍAS: Sorry, I'm back
5 y'all.

6 Just a couple of quick questions. After
7 I'm reviewing the testimony from DSNY on Intro. 978,
8 can I get a better idea of the team that DSNY has at
9 DonateNYC, how many team members, if you folks were
10 impacted or that division was impacted by PEGs?

11 DEPUTY COMMISSIONER MEROLA: Council
12 Member, I'm happy to answer at the start and also
13 turn it over to my colleague, Director of Recycling
14 and Sustainability, Kate Kitchener.

15 DonateNYC is a small team, and while PEGs
16 isn't the necessarily the thing to think about for it
17 in terms of impact, when it was founded many years
18 ago, it had a very specific purpose for facilitating
19 some general goods donations, and at one point in
20 time only received extra funding for food donations.
21 Over six, seven years, that hasn't led to more than
22 about 5,000 users of the site and not too much in
23 terms of tonnage too. It's a very small operation,
24 and so in what you read in the testimony, what the
25 First Deputy testified before is we know that if

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2 we're going to actually try and expand this, which
3 hasn't been done in years, we would actually need to
4 invest resources in doing that, both personnel and
5 non-personnel so that is the thrust of our concern
6 here on this one, and it wouldn't make it a good fit
7 for us.

8 COUNCIL MEMBER FARÍAS: Okay, so you don't
9 view 978 as in direct correlation with what DonateNYC
10 is already doing because I took a scan of the website
11 just quickly, because I thought maybe we're not
12 looking at it directly, and there is a section for
13 like personal hygiene products.

14 DEPUTY COMMISSIONER MEROLA: If DonateNYC
15 had been more robust, yes, I would say add to it, but
16 it hasn't been, and our concern is that we would not
17 be able to scale it to add to it to do more because
18 chain stores are a large portion of, in this case,
19 businesses that would have products to donate. We
20 haven't done that type of addition in a while.

21 COUNCIL MEMBER FARÍAS: Okay. Do you folks
22 have any recommendation of what agency would be
23 appropriate to do this work if not DSNY and
24 DonateNYC.

25

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2 DEPUTY COMMISSIONER MEROLA: Not at this
3 time. Kate?

4 No, not at this time.

5 COUNCIL MEMBER FARIÁS: Okay. I think the
6 difficulty that I have is our goal is to like reduce,
7 reuse, recycling, we're trying to make sure products
8 do not end up in our landfills, we're trying to make
9 sure, at least from what I see on the DonateNYC web
10 page, there are businesses, there are churches, there
11 are non-profit organizations that are requesting some
12 of these items that are within this bill so if we're
13 not pushing to expand or to rethink something that is
14 outdated and address the need that we're seeing here
15 in our city, then what are we really doing. I would
16 really like to continue talking about this
17 specifically with Chair Stevens and Chair Nurse on
18 this bill and how we can look at what budgetarily
19 might be a factor going into FY-25 because we cannot
20 keep filling our landfills, I know all of us in this
21 room agree with that, and there is plenty of product
22 out there, especially where we're seeing increases in
23 migrants in our community, that could be put to
24 better use than to be going to the garbage. Thank
25 you.

2 CHAIRPERSON NURSE: Thank you, Council
3 Member. Yeah, it would be great to get an
4 understanding of what significant resources required
5 means because it's hard to know if that just means we
6 don't want to do it versus this is the actual cost of
7 what it would be, and I know in the Zero Waste that
8 we passed, we did have the bill to like mandate let's
9 get to zero waste which would require us building
10 some of that stuff out and maybe the State will
11 actually pull off the EPR this year and we can get
12 some reduction in packaging so we don't have this
13 kind of issue, but that's a gamble so I agree. I
14 really support this bill, and I really hope we can
15 find a way to identify what the actual barriers would
16 be and try to work with you all to figure that out so
17 that we can really get this, it's mostly just
18 plastic, from going into the landfills, and also to
19 really support people who need it.

20 I only have a few more questions, and
21 it's related to the private Sanitation sector and
22 then we're going to open it up for testimony. I do
23 have a question about the Safety Task Force. The
24 Commercial Waste Zones Safety Task Force was created
25 by Local Law 199 and is supposed to meet regularly to

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2 make recommendations for the effective implementation
3 of safety measures related to commercial waste
4 collection. The Safety Task Force is chaired by the
5 Commissioner and includes the Chair of the BIC as
6 well as other appointed industry and policy experts.
7 The last times the Committee met was December 1,
8 2021, and March 29, 2022. Do you have plans to meet
9 in 2023?

10 DEPUTY COMMISSIONER MEROLA: I'm going to
11 get back to you on that and when the timetable is for
12 that Committee's actions. I apologize, Chair, I don't
13 have that with me, but part of what that Committee is
14 doing is, of course, seeing what the Local Law is
15 already requiring of the carters as they move into
16 the Commercial Waste Zones program which is that
17 workers be comprehensively trained, workers have that
18 training on them in a card so we can audit it, and
19 that they provide that to Sanitation so that we can
20 audit companies and make sure that the right training
21 is being given so the purpose appreciated and the
22 importance of it, of course, appreciated. I do need
23 to get back to you on that.

24 CHAIRPERSON NURSE: Okay. Is there a
25 reason why it hasn't been held this year at all?

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2 DEPUTY COMMISSIONER MEROLA: That, I
3 don't, but, as you know, most of our year has been
4 spent actually trying to stand up the program now
5 that we're in the applicant and the award stage.

6 CHAIRPERSON NURSE: Okay, great. Local Law
7 199 requires that selected carters are responsible
8 for ensuring that all workers including, but not
9 limited to, vehicle operators, laborers, helpers,
10 mechanics, supervisors, and managers have received
11 worker safety training. How is DSNY and BIC ensuring
12 that private carters are conducting proper work-
13 safety training?

14 DEPUTY COMMISSIONER FELDMAN: Starting
15 with the BIC side, our regulation in that area is in
16 two parts I'd say. One is worker training and worker
17 safety, and the other is vehicle safety and traffic
18 safety. BIC's role regarding annual worker training
19 requires educating workers on workplace safety
20 requirements, operational instruction on each
21 specific type of equipment used by the employee,
22 training to address specific public safety hazards
23 associated with transporting trade waste, and
24 collision avoidance, basic defensive driving type
25 training. Companies also must post worker safety

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2 information that is accessible to employees. BIC has
3 conducted more than 100 garage inspections in the
4 last 12 months to make sure that that among other
5 requirements is being met. Finally, BIC also requires
6 drivers to conduct both pre-trip and post-trip
7 vehicle and equipment inspections so drivers must
8 fill out, we call it a DVIR, vehicle inspection form
9 at the end of the shift and review the previous one
10 at the beginning of the new shift, and that is
11 something that our investigations unit makes sure is
12 being done and that the appropriate forms are being
13 kept in the vehicles of private companies.

14 CHAIRPERSON NURSE: For 2022, there were
15 171 injuries reported to OSHA related to private
16 carting. Does the City impose any requirements on
17 private lease carters to provide preventative safety
18 equipment? We had some labor unions here today
19 highlight that some carters are just not providing
20 adequate PPE including work boots, safety vests,
21 gloves, protecting eyewear. You mentioned you're
22 doing garage inspections. Are you going to garages to
23 chat with workers, are you going outside of garages,
24 do you have folks just out at night sometimes? How

25

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2 are you all ensuring that workers have the equipment
3 they need?

4 DEPUTY COMMISSIONER FELDMAN: We do have
5 those touchpoints that you mentioned with BIC's
6 street enforcement. I would also mention that BIC
7 tracks all complaints that we receive through a
8 variety of methods. We have a phone hotline, 212-437-
9 0600, and our website is also available. We also get
10 referrals from agency partners. I was gratified to
11 hear the testimony earlier from the gentleman from
12 Local 108 about having had a successful complaint to
13 BIC even before we had that safety authority in 2018,
14 and one of the major items that came out of that, of
15 course, was the authority to do something about the
16 kind of issues you're talking about, and we continue
17 to focus on that and encourage workers to reach out
18 to BIC through any of those methods.

19 CHAIRPERSON NURSE: For the record, are
20 private carters required to share employee complaint
21 data with BIC?

22 DEPUTY COMMISSIONER FELDMAN: They do not
23 have to do it in real time. However, private carters
24 are required to respond to BIC information requests,
25 and so, if BIC were to receive a complaint in that

2 area or should otherwise be investigating it, we
3 would issue an information request to the relevant
4 carter, and they would absolutely be required to
5 respond to that.

6 CHAIRPERSON NURSE: For when we do move
7 over to the CWZ, would that be something, forgive me
8 if I don't know, I'm like trying to hold it all in my
9 brain, but will these awardees be required to share
10 complaint data when we move into this with the City?

11 DEPUTY COMMISSIONER MEROLA: I'll come
12 back to you with the exact requirements on their data
13 sharing for complaint data, but you know very well
14 that the Local Law absolutely protects any worker
15 that wants to make a complaint known to Sanitation
16 and that Sanitation is authorized to investigate it
17 fully to see what's happened and whether or not the
18 carter has to be held responsible for violations.

19 CHAIRPERSON NURSE: Okay. We've talked
20 about cash wages a bit. Who will be responsible for
21 oversight of these types of labor issues with the
22 rollout of CWZ just for the record?

23 DEPUTY COMMISSIONER MEROLA: I believe
24 that moves fully to Sanitation, but I'm looking to my
25 colleague at BIC to confirm that.

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2 DEPUTY COMMISSIONER FELDMAN: That would
3 definitely be in Sanitation's purview, but there is
4 co-enforcement authority, and we would look forward
5 to working with the Department collaboratively on
6 that. I'd also mention that as Commercial Waste Zones
7 are rolled out zone by zone, carters are potentially
8 subject to two different requirements. The same
9 carter might be functioning in a zone that's been
10 awarded and implemented as well as elsewhere in the
11 city where one hasn't been, and they would be fully
12 required to comply with BIC rules.

13 CHAIRPERSON NURSE: Right, but cash wages
14 would not be a part of the CWZ, regardless of what
15 zone anybody's in.

16 DEPUTY COMMISSIONER FELDMAN: Correct.

17 CHAIRPERSON NURSE: How many cases of cash
18 wages have been reported to BIC over the past few
19 years, if any?

20 DEPUTY COMMISSIONER FELDMAN: I cannot
21 give information on ongoing investigations. I can
22 tell you that that issue is something that BIC would
23 be very interested in hearing about from anyone that
24 has information about it and that BIC does work with
25

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2 other agencies including the Department of Labor on
3 issues such as cash wages.

4 CHAIRPERSON NURSE: Is there a ballpark
5 number of cash wages cases that you all are dealing
6 with, whether they're in process or not? Complaints?

7 DEPUTY COMMISSIONER FELDMAN: I'd have to
8 get back with you with specifics on that.

9 CHAIRPERSON NURSE: Okay. What, if any,
10 threshold is necessary for BIC to initiate a labor or
11 safety-related audit into a private waste carter?

12 DEPUTY COMMISSIONER FELDMAN: BIC has an
13 audit team that reviews financial information that
14 carters are required to provide. If there is a
15 concern about financial data, customer service data,
16 safety issues, that is something that the audit unit,
17 the investigations unit, and potentially the
18 enforcement unit can address at BIC through all of
19 the means that I've described. There's not a
20 particular minimum threshold.

21 CHAIRPERSON NURSE: Okay. For garage
22 inspections, what types of conditions or events would
23 prompt BIC to inspect the garage of a private carter
24 beyond a complaint? Do you do proactive inspections?
25 Is there typically cooperation? How many times have

2 you all had to obtain a judicial warrant to perform
3 such operations, if at all, in the past couple of
4 years?

5 DEPUTY COMMISSIONER FELDMAN: We do
6 extensive garage inspections. Typically, the carter
7 will cooperate, and a warrant is not necessary. The
8 garage inspections can relate to safety and equipment
9 issues such as making sure that vehicles comply with
10 emission standards, sideguard safety requirements,
11 and other issues such as the workers' rights poster,
12 convex mirrors, all of which are required under BIC's
13 rules.

14 CHAIRPERSON NURSE: Okay, just for the
15 record, you do proactive inspections, not just
16 complaints?

17 DEPUTY COMMISSIONER FELDMAN: Correct,
18 yes, absolutely. However an issue is identified,
19 complaint or otherwise, we do inspections and
20 investigations of those issues.

21 CHAIRPERSON NURSE: Okay, the Transform
22 Don't Trash Coalition has conducted initial research
23 looking specifically at Federal Motor Carrier Safety
24 Administration data for the largest 20 companies in
25 New York City. It shows that private carters have

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2 been involved in significantly more incidents over
3 the past two years than in their most recent report.

4 In the past two years or so, the largest 20 companies
5 were involved in 115 crashes that caused 136 injuries
6 compared to the 85 crashes that caused a total of 90
7 injuries reported previously. This represents a 35
8 percent increase in crashes and a 51 percent increase
9 in injuries. The number of fatalities has increased
10 from two to three. How is DSNY and BIC addressing
11 street safety concerns in the private Sanitation
12 sector?

13 DEPUTY COMMISSIONER FELDMAN: I think that
14 in looking at data like that it's helpful to
15 distinguish between the period before BIC had
16 authority to address safety and traffic safety and
17 the period since then, and so once Local Law 198 of
18 2019 was implemented and once BIC promulgated rules
19 pursuant to that, safety has been a major focus if
20 not the major focus of BIC enforcement, I think 60
21 percent of our violations are safety-related and that
22 is the means through which BIC is trying to address
23 those issues. As we go forward, I think that
24 implementing that law was a very significant
25 achievement, and that has only increased during the

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2 Adams' Administration and during the time that BIC's
3 current Commissioner has been responsible for those
4 issues.

5 CHAIRPERSON NURSE: How often are you
6 reviewing this type of data?

7 DEPUTY COMMISSIONER FELDMAN: We review
8 that kind of data on an ongoing basis. We have data
9 analysts at BIC and policy analysts that review that
10 data as part of their regular job.

11 CHAIRPERSON NURSE: Is that like a
12 quarterly, an annual, twice a year? Is there any kind
13 of like benchmark or is just ongoing when it's
14 flagged?

15 DEPUTY COMMISSIONER FELDMAN: For which
16 type of data?

17 CHAIRPERSON NURSE: For crash data for
18 carters?

19 DEPUTY COMMISSIONER FELDMAN: That's an
20 ongoing (INAUDIBLE)

21 CHAIRPERSON NURSE: Okay. We have heard
22 from labor unions that some of these carters are
23 getting idling tickets even if their truck is
24 certified Clean Idle, for whatever people value Clean
25 Idle as. Some are saying they're not learning about

2 the tickets until later and then they're kind of
3 being hit with increasing fines. That was the first
4 time I had heard of the Clean Idle trucks. Can you
5 just describe those are at all, and are you notified
6 of these tickets? Are these trucks exempt from the
7 clean idling law?

8 DEPUTY COMMISSIONER FELDMAN: I have to
9 refer questions on that to the appropriate agency. I
10 believe it's the Department of Environmental
11 Protection. BIC does not issue idling violations for
12 trade waste vehicles. We do have some limited
13 activity on that area...

14 CHAIRPERSON NURSE: I believe they're
15 citizen complaint...

16 DEPUTY COMMISSIONER FELDMAN: Right,
17 there's the citizen complaints, but that, again, is
18 not a BIC process. I believe it's DEP through OATH...

19 CHAIRPERSON NURSE: But you never get
20 notified of these types of tickets or you don't
21 receive any data of that at any point of the year
22 related to carters?

23 DEPUTY COMMISSIONER FELDMAN: Right, we
24 don't issue the tickets, we don't get that data.

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2 We've heard the same issue that you've heard about,
3 but that's not a BIC issue.

4 CHAIRPERSON NURSE: Okay. I have two more
5 questions.

6 In June 2023, the City reported it had
7 reached a tentative contract with labor unions
8 representing over 300,000 unionized staff including
9 Sanitation workers. Can you please describe any
10 changes affecting DSNY Sanitation workers that will
11 take place as a result of this?

12 FIRST DEPUTY COMMISSIONER LOJAN: I'll
13 take that. That deal did not include the Local 831
14 Sanitation workers. That only included Local 444
15 which covered the supervisors, superintendents, and
16 the Uniformed Chiefs Association. We are currently in
17 very close discussions with Local 831 and (INAUDIBLE)
18 of course, on finalizing that agreement.

19 CHAIRPERSON NURSE: When BIC was first
20 established, one of its major objectives was to break
21 up ties between City agencies including DSNY and
22 local organized crime entities. In the last decade,
23 to what extent does BIC engage in anti-organized
24 crime investigation and enforcement, can you describe
25 any current types of issues, and are there any unions

2 or carters that have prior organized crime
3 convictions, associations who are now potentially
4 awardees within the CWZ?

5 DEPUTY COMMISSIONER FELDMAN: I can tell
6 you that the connections to organized crime and other
7 issues along those lines all fall within the bread
8 and butter of what BIC does, which is to determine
9 whether private trade waste companies have good
10 character, honesty, and integrity. That is going to
11 be something that BIC continues during the Commercial
12 Waste Zones period. Each carter must be licensed by
13 BIC and have that determination made oversight as
14 part of the process of obtaining a license from BIC,
15 companies must complete an application that gets into
16 exactly those kinds of issues where the application
17 or other information that BIC has raises a concern,
18 we can request information, we can take sworn
19 testimony, and, if warranted, we can deny a license,
20 we can condition a license based on a monitor, or
21 take other action, and that's going to be something
22 that continues with CWZ still.

23 CHAIRPERSON NURSE: Just to confirm, if
24 someone has in the past been positively identified

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2 with organized crime, does that rule them out from
3 participating in this new award process?

4 DEPUTY COMMISSIONER FELDMAN: I can't
5 comment on specific companies or hard-and-fast rules.

6 CHAIRPERSON NURSE: Just as a general
7 rule. If I'm carter X, I've had issues in the past,
8 I've been investigated, I've had a positive outcome
9 of that investigation that yes, I as doing that, I'm
10 now applying through the CWZ process, is there any
11 possibility that I get through that process?

12 DEPUTY COMMISSIONER FELDMAN: If your
13 issue along those lines was significant enough for
14 BIC to deny your application, no, you would not be
15 able to get through the process because a BIC license
16 is one of the requirements to participate.

17 CHAIRPERSON NURSE: Okay. Thank you. I
18 don't have any further questions. I appreciate you
19 all coming. Thanks for being well-prepared, as much
20 as you could be, and we look forward to continuing
21 this conversation related to Sanitation workers.

22 I'm going to kick it over to Committee
23 Counsel. Thank you all.

24 COMMITTEE COUNSEL: Thank you, Chair. We
25 will begin with public in-person testimony. We'll be

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2 starting first with Mr. Robert Bishop, Mr. Eric
3 Goldstein, and Miss Lacey Tauber. You may approach
4 the tables.

5 Mr. Bishop, you may start whenever you're
6 ready. Please limit your testimony to two minutes,
7 please.

8 ROBERT BISHOP: Thank you very much. In
9 consideration that you're limiting me to two minutes,
10 I'd like to send Harry Nespoli's greetings to all of
11 you. I'm testifying on behalf of Local 831, and I
12 will skip to the last page of the testimony. You have
13 my testimony submitted, and I'd like to take a moment
14 to acknowledge the fallen members of Department of
15 Sanitation starting with Mike Hanly in 1996; Frank
16 Consalvo killed by a hit-and-run driver, 2000; Al
17 Timmons, massive heart attack while on duty in 2000;
18 Mike Gennardo, fatally shot by an intruder inside of
19 the garage; Keith Bridges, injuries during a motor
20 vehicle accident; Vincent Gugliemino, heart attack
21 2004; Eva Barrientos, crushed by an EZ pack
22 collection truck arm, she was 41 years old, mother of
23 three; Rodney Page, killed in an accessible on the
24 Jersey Turnpike while going to the dumps; Michael
25 Occhino, killed in an accident on the BQE; Allen

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2 Gormely, heart attack while on collection duty;

3 Rafael Concepción, succumbed to injuries sustained in

4 an accessible while on collection duty; Stephen

5 Dixon, heart attack, collection duty, 2009; Richard

6 Timmons, massive heart attack on duty, 46 years old;

7 Frank Justich, Astoria, 2010, killed when a tractor

8 trailer sideswiped him into his Sanitation truck,

9 twisted him; Steve Frosch, who was struck by a street

10 sweeper into the garage, another young hero who's

11 left widow and children. We lost at least nine

12 Sanitation employees to COVID-19, Ray Copeland was

13 our first, Kevin Williams, Ali Ali, Rickey Downtin,

14 Michael Geraci, is it okay if I finish the list,

15 Francisco Nuñez, Quebiy Pigott, Iqbal Shaikh, Paul

16 Santoro.

17 Our members work in the streets

18 regardless of pandemic, regardless of weather. We

19 don't work from home.

20 One final insult to this Department and

21 the members is that based on the Tier 6 pensions, we

22 were added five years to the length of service to get

23 a full pension and we had the insult of a Social

24 Security offset. We've tried to negotiate changes to

25

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2 both since 2012. Now that we have a different

3 Governor and a different Mayor, we're very hopeful.

4 I want to thank the Department for their
5 testimony. We cooperate with the Department on safety
6 issues. Our track record is good. We're here to
7 service the people of the City of New York, and I
8 think we do a pretty good job.

9 The rest of my testimony is on the
10 record. Thank you.

11 CHAIRPERSON NURSE: Thank you, and you all
12 do an excellent job. Thank you.

13 ERIC GOLDSTEIN: Good afternoon. Eric
14 Goldstein, Natural Resources Defense Council. Thank
15 you, Council Member Nurse and Fariás, for being here
16 today and for this hearing.

17 I'll summarize my written testimony.
18 There are a lot of exciting things happening on the
19 waste front, and we agree with the First Deputy
20 Commissioner that New York is in the midst of a Trash
21 Revolution thanks largely to this Committee, the
22 Council, and the Administration, and it's a peaceful
23 revolution. Regarding oversight of Sanitation
24 workers' safety and protection, let me say that we
25 are anxious about the implementation of the

2 Commercial Waste Zones law. This was one of the two
3 most important pieces of solid waste legislation
4 enacted by the Council in the past 30 years, but
5 it'll only be successful if implemented in a way that
6 takes into account not only the price but also the
7 environmental, clean air, public safety, labor
8 rights, and worker safety considerations that the
9 Council explicitly required when it passed that
10 landmark legislation in 2019 so we hope and expect
11 the Administration will take all of these criteria
12 into account when awarding Waste Zone contracts.

13 We're pleased to testify today in support
14 of two excellent legislative proposals and one very
15 sensible proposed Council Resolution. Waste
16 prevention is the top of the New York State Solid
17 Waste Management hierarchy. It's above reuse,
18 recycling, landfilling, and incineration. To its
19 credit, the Council has advanced a number of
20 important waste prevention legislative objectives in
21 recent years, but there is certainly more that can be
22 done. Intro. 1161 takes the challenge of reducing
23 waste at stadiums and arenas throughout the city.
24 Specifically, the bill provides professional and
25 collegiate sports venues cannot prohibit stadium and

2 arena attendees from bringing in empty reusable
3 containers. We believe this could eliminate the
4 disposal and consumption of hundreds of thousands of
5 plastic water bottles at New York City stadiums and
6 arenas every year while saving fans money that they
7 don't have to spend on expensive bottled water. This
8 is a pennant-winning idea. Allowing refillable
9 containers in stadiums means large volumes of plastic
10 will not be generated in the first place.

11 We have one important friendly amendment
12 to 1161. In its current form, the proposal would
13 allow the possibility that some operators might
14 restrict the types of refillable containers to
15 plastic bottles and actually encourage the production
16 of fossil-based climate-destroying plastics so we
17 recommend the final legislation eliminate that
18 provision and specify that venue operators must allow
19 fans to bring in empty beverage containers that are
20 made from stainless steel, aluminum, or plastic.

21 Finally, we'd welcome an amendment to the
22 bill that would encourage stadium and arena operators
23 to offer for sale beverages like beer and soda in
24 refillable aluminum cups like those used at the
25 Council's recent celebration of Earth Day I believe,

2 or Climate Week. Such cups with team logos could
3 become collectors' items and provide another vehicle
4 for switching venues away from waste generation down
5 to the field of waste prevention.

6 We were glad to see the Administration
7 and Sustainability Advisor to the New York Yankees
8 have both expressed support for this proposal.

9 Intro. 978 is another excellent idea for
10 reducing waste in New York City. It provides that
11 chains of three or more stores selling personal care
12 products be required to donate to non-profit
13 organizations. It also directs the Department of
14 Sanitation in conjunction with other City agencies to
15 create a web portal to facilitate that. Citizen
16 street trash surveys such as those conducted by
17 Trashwalker Anna Sacks have revealed significant
18 amounts of perfectly usable personal care products
19 placed out for commercial trash collection in all
20 five boroughs. This is a classic example of foolish
21 and wasteful disposal practices, particularly at a
22 time when we have so many people in need in this
23 city. Intro. 978 would set New York City on a nation-
24 leading turnaround that would reduce waste burdens
25 while assisting those New Yorkers most in need.

2 Finally, we support Resolution 816 that
3 would urge the State Legislature to amend existing
4 producer responsibility bill for batteries to include
5 e-mobility device batteries. We all know of the many,
6 many fires and incidents and threats to public safety
7 from these batteries, and this legislation would be
8 one step in addressing the concern.

9 Although we hadn't prepared testimony on
10 the car wash legislation, from everything we've heard
11 today, that too sounds like a sensible piece of
12 legislation, and so we will be supporting that as
13 well. Thank you for your attention.

14 LACEY TAUBER: Hi. Thank you, Chair Nurse,
15 for holding this hearing, and, Council Member Farias,
16 for sticking around.

17 I'm here representing Brooklyn Borough
18 President Antonio Reynoso. It will come as no
19 surprise that I am here on his behalf to call for the
20 swift implementation of commercial waste zones in New
21 York City. When Borough President Reynoso was Chair
22 of the Council Sanitation Committee from 2014 to
23 2021, we routinely heard news reports and testimonies
24 from workers in the industry that documented the many
25 issues they face including long hours, pressure to

2 complete routes quickly, unsafe driving practices,
3 speeding, running red lights, going the wrong way,
4 falling asleep, helpers hanging off the back of
5 trucks, employers hiring off the books, paying less
6 than minimum wage, wage theft, use of trucks that
7 failed to comply with safety regulations, failed
8 inspections, a lot of the things that were brought up
9 today. In response, the Council and partners
10 carefully drafted the legislation to address these
11 issues and it requires among other things City
12 oversight of routes and schedules, compliance with
13 federal regulations, whistleblower protections for
14 employees, worker safety trainings, compliance with
15 safe driving regulations, six-month vehicle
16 inspections, all kinds of equipment for safety on
17 vehicles, and, as you mentioned, the Safety Task
18 Force. The Request for Proposals also required
19 consideration of compliance history, a health and
20 safety plan, demonstrating the roadmap for exceeding
21 existing safety technology requirements. We don't
22 know the full scope yet of the awardees so it's hard
23 for us to say whether the awards made will reward
24 good actors in the industry. This is something we're
25 watching closely. Unfortunately, due to the delay in

2 implementation, all of the problems I just outlined
3 still remain. There was an increase in worker
4 fatalities in the last year in the U.S. and Canada.
5 There were at least three New Yorkers killed by
6 private Sanitation trucks in the last year and a
7 half.

8 The Borough President has already spoken
9 to the Council and to Commissioner Tisch to express
10 his disappointment with the delays and just really
11 wants to see a swift rollout in the program after
12 Sanitation announces the first zone awardee next
13 year. Thank you.

14 CHAIRPERSON NURSE: Thank you. I just have
15 one question for Local 831 because we talked about it
16 on the commercial side, but how on the residential
17 side have the new container rules impacted Sanitation
18 workers' daily routes?

19 ROBERT BISHOP: That's still being worked
20 out. It's not fully implemented. It's a little early
21 to tell. The residential in the outer boroughs is not
22 scheduled to even start until some time next year or
23 the year after so I can say that the Department works
24 with 831 on a regular basis to try and make sure that
25 these things will work and we'll see.

2 CHAIRPERSON NURSE: But for the new set-
3 out times, when we have you can put it out at 6 in
4 containers, there's been no reported impacts?

5 ROBERT BISHOP: It's a little too early to
6 tell, and putting things at 8 o'clock at night, we've
7 adjusted shifts in order to take that into
8 accommodation. As I say, we try and work very closely
9 with management to implement their approaches.

10 CHAIRPERSON NURSE: Okay. Thank you.

11 ROBERT BISHOP: Just one mention, you
12 mentioned the facilities for women. We have about 250
13 women that are Sanitation workers that is still
14 around 3 percent. Our headcount is up and around
15 6,800 now. Our older facilities don't have adequate
16 facilities for women. They're scandalous. The new
17 facilities are built to it. If you were to contrast
18 that with the Fire Department, whereas we have about
19 250, the Fire Department has more uniformed
20 employees, but they have about 148 at last count that
21 are women. Every fire facility has adequate, as far
22 as we know, adequate facilities for women, and our
23 women, in particular, they do their best. They're
24 Sanitation workers, but the conditions are not met on
25 100 percent basis by any means.

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2 CHAIRPERSON NURSE: I know there's a bunch
3 of new facilities so, if you want to reach out and
4 let us know the garage numbers, we can go do a visit.

5 ROBERT BISHOP: We still have facilities
6 that are falling apart.

7 CHAIRPERSON NURSE: Yeah, agreed, but if
8 there are particular ones for the women facilities
9 that you think are top priority or particularly
10 egregious or scandalous, we can absolutely push on
11 that. We want our workers, especially women workers,
12 to feel valued at work, and the infrastructure needs
13 to be there to support that.

14 ROBERT BISHOP: As you know, many of our
15 facilities are totally inadequate in size. We wind up
16 parking trucks on the city streets, which presents
17 another problem with the members because we have to
18 clean out the trucks when we get in before we drive
19 them. They somehow become a depository for needles
20 and things like that so the Department is trying, the
21 budget is in a very touch condition, and I was told
22 to say good things about the Department by Harry but
23 blame everything on the budget.

24 CHAIRPERSON NURSE: We'll take it for now.

25 ROBERT BISHOP: Thank you.

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2 CHAIRPERSON NURSE: Please send our regard
3 to Harry.

4 ROBERT BISHOP: I certainly will.

5 ERIC GOLDSTEIN: Chair Nurse, just one
6 last point if I may on Intro. 978. This is a way to
7 achieve to Zero Waste goals that were set forth in
8 the Zero Waste legislation the Council recently
9 passed, and it can do so in a way that will benefit
10 New Yorkers in need so we hope that the Sanitation
11 Department will come up with a specific program or
12 introduce to you what its budget needs are to expand
13 Donate New York City. It seems like that can be done
14 without a major new expenditure of resources and
15 hopefully that can be something that could be
16 included in the next budget because, again, it
17 fulfills the dual goals of reducing waste and really
18 helping New Yorkers. It's a very, very sensible piece
19 of legislation. We hope it can move forward.

20 CHAIRPERSON NURSE: Agreed, and it could
21 even be woven into the community recycling centers
22 that are supposed to pop up at some point. I get it.
23 There's a budget constraint, but it is my opinion
24 that if we don't invest on the front end, we're going
25 to be really paying out on the back end, just like

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2 everything else, so I am definitely in support, and I
3 support Council Member Stevens and the intention and,
4 as we requested, if they could give us an
5 understanding of what exactly that barrier is and not
6 just say it's significant, it would require them to
7 put some time and effort towards that.

8 ERIC GOLDSTEIN: Thank you.

9 CHAIRPERSON NURSE: Thank you.

10 COMMITTEE COUNSEL: Thank you. Next, we
11 will have David Biderman, Paul Zambrotta, and Sam
12 Manfredi.

13 If you have not yet filled out a white
14 slip with your name and information to register to
15 testify, please do so in the back and provide it to
16 one of the Sergeants so you can be on the testimony
17 list.

18 Just a gentle reminder to please limit
19 your testimony to two minutes. Thank you.

20 DAVID BIDERMAN: Good afternoon. My name
21 is David Biderman. I'm President of Biderman
22 Consulting, LLC. Just to be clear, I'm not testifying
23 here today on any individual company or any
24 individual Sanitation Department. I'm here today
25 because it's very important for this Committee and

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2 other elected and unelected officials in both New
3 York City and throughout the United States to be
4 reminded that solid waste companies of all sizes and
5 the Department of Transportation prioritize the
6 health and safety of their employees as well as the
7 safety of the communities and neighborhoods in which
8 they serve. I've had a career for the last 25 years
9 in the solid waste industry that's reflected in the
10 written material. I currently serve on the CWZ Safety
11 Task Force. I look forward to it meeting once again,
12 and I'm currently on the Business Integrity
13 Commission's Trade Waste Advisory Board.

14 I'm here to tell you that the solid waste
15 industry's safety performance in the city has
16 improved substantially over the past few years.
17 According to the BIC's own data, during 2017 through
18 2019, licensees averaged nearly four fatal incidents
19 each year. For each of the past four years, in 2020,
20 2021, 2022, and 2023, licensees have had one fatal
21 incident per year, and, importantly, not a single
22 private sector solid waste collection worker has been
23 killed this year. I monitor safety all over the
24 country with a particular interest in New York
25 because this is where I'm from and my family lives

2 here. This improvement is remarkable, far better than
3 the national data, so why are we seeing this decline
4 in certainly fatalities?

5 Number one, most solid waste companies
6 take safety very seriously.

7 Number two, the leading associations
8 provide a lot of resources to their members on
9 safety.

10 Third, a growing number of companies in
11 the city are providing ongoing safety training to
12 their frontline employees, and, in just the past nine
13 months, I've been speaking at safety meetings at six
14 of these companies and have another meeting tonight.

15 Finally, the BIC has had a much greater
16 focus on safety over the last few years which
17 includes both new regulations and heightened
18 enforcement.

19 Just very quickly, if the Committee wants
20 to improve and continue to improve worker safety in
21 the sanitation and solid waste industry, I have three
22 recommendations.

23 Number one, e-bikes and scooters. E-bikes
24 and scooters are a very serious threat to solid waste
25 collection workers. I nearly got ran over by one in

2 Midtown when heading for the subway today. These
3 vehicles are on city streets at all hours, they're
4 ridden in complete disregard for the traffic law, and
5 Paul's company and others have lots of videos that
6 show you these guys crashing into trucks, going the
7 wrong way, and causing problems, and carters'
8 employees and presumably DSNY employees need to cross
9 bike lanes from time to time to get to the trash, and
10 it's a real struck-by risk.

11 Secondly, lithium-ion batteries. We heard
12 a little bit of testimony about lithium-ion
13 batteries. I was surprised that the Committee Report
14 for this completely does not mention lithium-ion
15 batteries. They cause fires in garbage trucks. That
16 poses a threat to workers. I strongly encourage the
17 Council to provide more resources to DSNY and others
18 to remind New Yorkers that it is illegal to dispose
19 lithium-ion batteries in either the trash or
20 recycling.

21 Finally, Vision Zero. We need to allocate
22 more Vision Zero resources to educating pedestrians,
23 bicyclists, and motorists about how to walk, drive,
24 and bike safely in the city. Reckless driving,
25 distracted driving, drunk driving, and speeding are

2 principal causes of many of the collisions that the
3 solid waste industry is involved in.

4 Nothing we do as an industry is more
5 important than making sure all of our employees come
6 home to their families safely at the end of each day,
7 and we will continue to work with the Committee and
8 others to make that happen. Thank you very much.

9 SAM MANFREDI: Good afternoon. My name is
10 Sam Manfredi. I'm a proud teamster member for 36
11 years, and I currently work at a wonderful company,
12 Cogent Waste Solutions.

13 At Cogent Waste, safety is not just a
14 priority; it's our culture. Serving the five boroughs
15 in New York, we go above and beyond to ensure the
16 well-being of all our team members and communities
17 that we serve. Our commitment to safety begins with a
18 strong focus on pre- and post-trip inspections, a
19 practice that significantly reduces the likelihood of
20 incidents. We take safety seriously which is why we
21 invest in the Smith System training for our staff,
22 and we are proud to have three certified Smith System
23 instructors as our safety managers. All employees are
24 provided with up-to-date OSHA certification safety
25 gear. Our dedication extends to even the smallest

2 details. Our helpers are trained to assist in safe
3 backing up of our trucks, minimizing potential risks.
4 We have equipped our entire fleet with the state-of-
5 the-art camera systems with six to eight cameras on
6 all our vehicles, including our service pickups to
7 enhance visibility and safety.

8 Additionally, we are proud to have former
9 BIC Commissioner Noah Genel working with us on safety
10 issues, help us revise our trade waste safety manual
11 last year, and we will continue to consult with
12 regarding safety and compliance. His input is
13 instrumental as we played a significant role in
14 shaping the safety rule that the industry uses today.

15 We would like to express our gratitude to
16 your trust in Cogent Waste and thank you for your
17 time. Safety is not just a word for us; it's a way of
18 life, and we're committed to keeping our team, our
19 clients, and community safe every day. Thank you very
20 much for having me speak today.

21 PAUL ZAMBROTTA: Good afternoon. My name
22 is Paul Zambrotta, and I'm the Safety Director for
23 Mr. T Carting Corporation. I'm also the Safety
24 Ambassador for SWANA's New York Chapter. I've had the
25 pleasure of working for Mr. T since 1995, and I'm

2 part of the third generation and long and hardworking
3 drivers and helpers. I have a commercial driver's
4 license, and I can tell you with certainty that 20
5 years ago the word safety was rarely heard in the
6 solid waste companies in New York City. However,
7 today, it's rare that you'll find a company that
8 didn't hold safety paramount. About a year and a half
9 ago, post-COVID, Mr. T and other solid waste
10 companies were struggling to recruit and retain
11 qualified drivers. In fact, there still is a
12 nationwide driver shortage. As a result, I needed to
13 drive one of our trucks to service our customers.
14 During my route about 4 a.m. on Flushing Avenue in
15 Brooklyn, my vehicle was rear-ended by a passenger
16 vehicle at an estimated 30 miles per hour. In
17 addition to the other vehicle being totaled and
18 causing over 25,000 dollars in damages to our
19 vehicle, I was next to the truck and I was tossed up
20 in the air like a ragdoll, suffered broken bones,
21 lacerations, and contusions. I was lucky to survive
22 the collision because if I had been standing a little
23 bit further to left, the vehicle would've hit me
24 head-on and I probably wouldn't be here to tell you
25 this story today. Before I took the truck out, I

2 performed a thorough pre-trip inspection. When the
3 motorist hit me and our truck, I was outside the
4 truck in the rear with my parking brake set with all
5 my lights working and my four-way hazards on. My
6 truck was pulled over to the side of the road so that
7 other vehicles could safely pass. I complied with
8 every operational and safety standard, yet I was
9 still struck by someone who was either drunk,
10 distracted by their phone, or asleep.

11 At our company as well as many others, we
12 pride ourselves on innovation and forward thinking,
13 especially when regarding safety. While we are not
14 perfect, we strive for constant and never-ending
15 improvement. It is important for the Committee as
16 well as all New Yorkers to recognize that our drivers
17 and helpers are people too, and we deserve the same
18 rights to a safe working environment as every other
19 person in our city. It amazes me that cyclists,
20 scooters, and other electronic forms of
21 transportation share the road with other licensed
22 drivers, and yet they are not required to learn or
23 follow the same rules of the road that apply to us. I
24 am happy to hear that accidents and injuries in our
25 industry are down, and that's happening while the e-

2 bikes and vehicles are getting more dangerous. The
3 Daily News recently reported that this is the worst
4 year for cycling fatalities since 199. My company and
5 I will continue to do our part in being safe, and we
6 try every day to make it safer. We agree with the
7 City holding us to higher standards when it comes to
8 safety, and we ask that they apply those same
9 standards to the other users of the road. If we're
10 going to continue to improve safety in the private
11 Sanitation industry and achieve the City's Vision
12 Zero goals, we need stronger regulations of these e-
13 bikes and similar modes of transportation and tougher
14 enforcement against those who violate our City's
15 traffic laws. Thank you for your time.

16 CHAIRPERSON NURSE: Thank you. Thank you
17 for your testimony. I had one question for you, Mr.
18 Biderman. In your time at SWANA, did DSNY engage you
19 all for input or conversation on containerization
20 efforts that they're trying to engage in or the set-
21 out times?

22 DAVID BIDERMAN: We did not have any
23 interaction with DSNY with regard to either of those
24 regulations.

2 CHAIRPERSON NURSE: Okay. Is there
3 anything that you want to offer about that
4 (INAUDIBLE) industry is responding?

5 DAVID BIDERMAN: Containerization is a
6 very significant change for the industry, and it's a
7 very significant change for the customers. Customers
8 have been used to putting their trash out at a
9 certain time in a certain way for decades, and now
10 they're being asked to change that very dramatically,
11 and, for the most part, they're complying, and I walk
12 around at night in the city when I'm here and I see
13 that that's taking place. There will be a challenge
14 when it snows. When there's a foot of snow on the
15 ground and they've plowed the streets so there are
16 piles on Atlantic Avenue or on Broadway, where are
17 those containers going to go? I know carters are
18 wondering about that, and I'm interested in seeing
19 how that particular scenario is dealt with with
20 regard to containerization.

21 CHAIRPERSON NURSE: Great. I don't know if
22 you have anything to offer about these Clean Idle
23 trucks in terms of ticketing that these companies are
24 getting for it. Have you had any conversations with
25 the Department on the ticketing?

2 DAVID BIDERMAN: A number of companies
3 have approached me over the four or five months
4 raising concerns about a significant increase in the
5 number of idling tickets that they're receiving. This
6 was discussed at the most recent quarterly Business
7 Integrity Commission Trade Waste Advisory Board
8 meeting. The BIC, as they testified, mentioned that
9 it's not their problem. It's DEP regulation that then
10 you need to go to OATH to address from a judication
11 perspective. I have been discussing this with several
12 companies. Many companies have to go into the
13 building to pull out the trash, it isn't sitting on
14 the curb neatly that they put it in within a minute,
15 and they buy a truck that's specifically is Clean
16 Idle or runs as a regeneration type thing, and
17 they're getting tickets even though very, very little
18 is coming out of a tailpipe. In my judgement based on
19 my initial investigation of this, some thought needs
20 to be given to amending that regulation to create
21 some sort of exemption for Clean Idle trucks that
22 serve the City's purposes of reducing our carbon
23 footprint and reducing the impact of our waste on
24 climate change.

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2 CHAIRPERSON NURSE: Just another question.
3 I was trying to look one up. Does it say Clean Idle
4 on the truck?

5 DAVID BIDERMAN: I don't know the answer
6 to that. I would defer to my co-testifiers here.

7 PAUL ZAMBROTTA: In order to be DEP-
8 certified, there's a sticker on the side of the truck
9 that Certified Clean Idle.

10 CHAIRPERSON NURSE: Great. I haven't seen
11 one. I haven't been looking to see it so now I'm like
12 on the lookout to see it, but, before that, I wasn't
13 actively noticing it.

14 We did have OATH here for a hearing I
15 think earlier this week, I'm losing track of time,
16 related to a similar program with noise complaints. I
17 wanted to ask, I did have time, about that. OATH
18 wasn't very helpful in the hearing in terms of
19 providing any information, even data points, very
20 little, and so I agree. If they're certifying these
21 trucks, it shouldn't be subject to a complaint. If
22 they want it to be part of the complaint, then they
23 need to figure that out.

24 I don't have any other questions for you
25 all. Thank you for coming and testifying.

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2 DAVID BIDERMAN: Chair, I would be glad to
3 provide some data to you from the companies that I'm
4 working with that demonstrate the magnitude of the
5 increase over the last 18 months or so just so you
6 have some data for your future conversations with
7 OATH and others.

8 CHAIRPERSON NURSE: That would be really
9 helpful. Thank you.

10 COMMITTEE COUNSEL: Thank you. Next, we'll
11 have Anthony Lewis, Tyrell Boyd, and Dante Dodge.

12 DANTE DODGE: Hello. Good afternoon. My
13 name is Dante Dodge, and I'm a lifelong resident of
14 the Bronx and a proud Sanitation worker and a member
15 of Local 108. I would like to thank the Committee
16 Chair Sandy Nurse for putting this hearing together
17 to ensure the safety of the Sanitation worker is
18 front and center.

19 The Sanitation industry is a hard and
20 dangerous work. Our labor is essential to a society's
21 well-being, yet many workers are constantly made to
22 work in dangerous situations, life-threatening
23 conditions also. I'm here to testify on both worlds,
24 one where my employer took advantage of my youth and
25 my lack of knowledge, and another where I proudly

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2 work in a culture of safety and get well-compensated
3 for my labor.

4 When I first started working as a
5 Sanitation worker, the company I worked for took
6 advantage of my need for employment and, more
7 importantly, my lack of knowledge. While I worked at
8 Sanitation Salvage, I was handed a clipboard, route
9 keys, no PPE, and pretty much told figure it out.
10 There was no training provided, and I was getting
11 paid cash wages while I worked as a helper. I then
12 moved on to become a driver once I acquired my
13 commercial driver's license, and on the average I did
14 13 to 14 hour shifts. It didn't matter how many hours
15 I worked though. We were strictly only paid for 10.
16 At the time, I didn't know the employers were
17 committing wage theft. I finally decided to leave the
18 industry and work in security. The City of New York
19 did the right thing and protected workers by not
20 continuing to allow Sanitation Salvage to put our
21 lives and the lives of other New Yorkers at risk.
22 This is why it's really important that we have a
23 mechanism to hold the employers accountable once the
24 Commercial Waste Zones are determined. Workers should
25 be able to have a way to bring any claims on wage

2 theft and safety concerns to the City and should be
3 dealt with quick and in a swift manner. This is my
4 ask to the Council. I know what a true culture of
5 safety is and what is to valued and essential.

6 Now that I work for a unionized employer
7 such as Action Carting, my life has changed for the
8 better. I get paid good wages for the hours that I
9 work, I'm provided with the best PPE there is in the
10 industry, and I receive benefits for me and my
11 family, but, most importantly, I have a career and
12 I'm able to get home safely every night to my family.
13 There shouldn't be any worker out there receiving any
14 less for what they deserve and hard-working. A
15 culture of safety can be achieved. Thank you.

16 ANTHONY LEWIS: Good afternoon. I'd like
17 to thank the honorable Council Member and Chair Sandy
18 Nurse and the rest of the Council Committee on
19 Sanitation and Solid Waste Management for giving me
20 the time to speak with you all today.

21 My name is Anthony Lewis. I have over 25
22 years of experience roll off driver. I currently work
23 for Royal Waste Services for eight years. Currently,
24 I'm the shop steward at Royal Waste which is the
25 largest 813 union shop in New York City. In the time

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2 driving with Royal Waste, I strongly believe Royal is
3 one of, if not the safest employers there is in the
4 business. In my time driving at Royal Waste, the
5 safety procedures that we take should be the
6 benchmark for all the companies throughout the city.
7 We are big on going home the way you came in,
8 protecting the public and protecting yourself. Most
9 importantly, Royal provides us with a great quality
10 of life, a 401K retirement and full medical benefits
11 for us and our families. As a shop steward, I can
12 attest Royal's Waste Services currently has the
13 following safety equipment and procedures in place.
14 We have the Lytx 360 camera which monitors live feed
15 inside the vehicle, outside, on both sides, and in
16 the rear, and it also is equipped with a microphone.
17 We also have a Mobileye collision avoidance systems
18 which detects blind spot, lane departure warning,
19 pedestrian, cyclists, and headway monitoring. All of
20 our vehicles are equipped with speed controls, are
21 governed down to New York City's speed laws. Thank
22 you for having us.

23 TYRELL BOYD: Good afternoon. My name is
24 Tyrell Boyd. I have been working for the sanitation
25 industry since 2018. At first, I started working for

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2 a non-unionized employer in Long Island, and now I am
3 a member of Laborers Local 108. I would like to thank
4 Chair Nurse and the rest of the Committee for
5 allowing workers to voice and bring light to the
6 rampant wage theft and dangerous working conditions
7 that exist in the sanitation industry. Being a
8 sanitation worker is no easy task. We put our lives
9 at risk every time we go to work. Our labor is
10 essential, yet there are employers in this industry
11 that take advantage of us and still do business in
12 the city. Wage theft is widespread and, if you don't
13 have representation the job, many times you simply
14 take what you get. Many times you're putting your
15 life at risk, not really realizing the dangers until
16 it's too late. I received a 30,000-dollar settlement
17 after filing a wage theft lawsuit against an employer
18 that is still working in the city today. As we move
19 forward and implement Commercial Waste Zones, it is
20 critical that there will be a mechanism where workers
21 can speak up and bring claims of wage theft and
22 dangerous working conditions to light. There is no
23 reason why employers who are constantly committing
24 wage theft and putting their workers' lives at risk
25 should still be allowed to do business with New York

2 City. Working for employers who don't center their
3 business practices on safety measures and protections
4 is incredibly dangerous. At Liberty Ashes, I received
5 no training, I worked under really unsafe conditions,
6 and I worked alone. For example, I would usually lift
7 21 tons of garbage a night followed by another night
8 where I would lift 10 tons of cardboard by myself.

9 This was really hard for my body and not having
10 benefits and proper healthcare only added to the
11 stress. I always felt like I was getting robbed and
12 my wages not being fully paid. There needs to be a
13 way to hold employers accountable to ensure

14 Commercial Waste Zones truly achieve one of its main
15 goals of (INAUDIBLE) and protecting sanitation

16 workers. Today, I feel like my voice is heard, and I
17 want to help my fellow workers. Today, I have proper

18 training and PPE. Both my employer and union truly
19 care about my safety. At Action Carter, we have

20 monthly safety meetings, are provided in-class and
21 hands-on training, and we are provided with the best

22 PPE there is to work safely and effectively. I am

23 fully aware of my rights. I am compensated for my

24 labor, and I have access to benefits and proper

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2 healthcare. This is what every worker deserves. Thank
3 you for your time.

4 CHAIRPERSON NURSE: Thank you all for
5 being here and for taking time coming. You're not
6 taking up too much time, and we let the clock go for,
7 especially the purpose of the hearing which is to
8 hear from sanitation workers so if there's anything
9 beyond the testimony that you want to offer, you have
10 the mic. I'm not going to cut you off. Feel free to
11 offer anything you want to at this time.

12 ANTHONY LEWIS: At Royal Waste, we do
13 provide safety training. We have safety meetings
14 every three months and we have retraining. We have a
15 safety supervisor on duty at all times. With the
16 camera system we have, we also have a crew of I think
17 three guys that watch the live feeds so if you are
18 doing something or the camera alerts them of any
19 infractions, when you come in you will be confronted
20 and talked to and retrained on whatever it was,
21 whether it be seatbelt or you came to close to a
22 vehicle, it alerts them back at the office.

23 CHAIRPERSON NURSE: Thank you.

24 DANTE DODGE: Just what I have to offer
25 from my previous experience at Sanitation Salvage and

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2 working now at Action Carter is completely literally
3 two different worlds. Back when I was working for
4 Sanitation Salvage, there was really no training, and
5 what I noticed that changed in the industry was the
6 training, and when I came into Action, it was a
7 culture of safety, and I think those two weeks of
8 training to become a driver or to be helper, whatever
9 position it is, it kind of gave me a clear outlook on
10 what the job is and what's the dangers in the job.

11 When it comes to safety, I really think that things
12 like that should be implemented. Also, when it comes
13 to the zonings and whatnot, there should be something
14 in place where if an employee has a situation where
15 there's a theft going on or they don't feel safe
16 doing their job, they should be able to express it
17 and not get any retaliation from the employer while
18 doing so. I don't know how that's going to work, but
19 that's something that definitely should be at the
20 forefront as well.

21 CHAIRPERSON NURSE: Thank you all. We
22 really appreciate hearing from you, and you know you
23 can reach out anytime if you have more concerns.
24 Thank you for joining us today.

25

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2 COMMITTEE COUNSEL: Thank you. Next, we
3 will have Jose Vega, Connor Shaw, and Lisa Salomon.

4 Jose, you may begin.

5 JOSE VEGA: Good afternoon, Chairperson
6 Nurse and Members of the City Council Committee on
7 Sanitation and Solid Waste Management. My name is
8 Jose Vega. I'm a 29-year veteran in the labor
9 movement and the President of United Waste and
10 Recycling Workers Local 393 as well as a pastor for a
11 congregation and just so happen to be in Council
12 Member Fariás' District. I'm proud to have devoted my
13 life to service, and I'm here today with our
14 Political Director, Connor Shaw, to speak on behalf
15 of our more than 400 private sanitation workers
16 across New York City, and Mr. T is one of the
17 employers that we have. They just testified. We
18 appreciate the opportunity to appear before this
19 Committee and speak about the importance of safety in
20 the sanitation and recycling industry. Let me turn it
21 over to my colleague, Connor.

22 CONNOR SHAW: Thank you, Chairwoman Nurse.
23 I'm going to summarize my testimony, and we'll
24 provide written testimony. A lot of the points have
25 been hit before.

2 First, we'd like to thank this Committee
3 because you've made safety a priority and, as was
4 testified before, it's really showing the impact in
5 New York City where we have been beating the trends
6 and becoming one of the safer cities and destinations
7 to work in sanitation despite the troubles of such a
8 large city and the difficulties that come with that.
9 One of those difficulties is that there are currently
10 65,000 e-bikes and scooters in the city, and we hear
11 from our members constantly about how they feel like
12 its swarms of bees. They're turning around to pick up
13 trash and people are zooming past them, and we would
14 ask the Council to consider using some of the Vision
15 Zero money to prioritize sanitation worker safety.
16 The other that we're going to mention, and I know
17 that you're championing a bill on this, is the proper
18 disposal of lithium batteries. One of the biggest
19 concerns we hear from our members is the increase in
20 batteries are causing an increase in truck fires. I
21 believe there were 18 New York City Sanitation truck
22 fires last year caused by lithium batteries. These
23 batteries are not a slow burn and especially if
24 they're in the back of a truck that has paper
25 (INAUDIBLE) or anything like that it can cause a

2 massive issue, especially in a city where you can't
3 dump out safely in a lot of areas. You have to
4 sometimes be driving with a fire in the back of your
5 truck to find a dump-out zone, and obviously that is
6 something that is a major concern to our members and,
7 as you are a champion of that, I know that's
8 something that we're happy to hear that and we fully
9 support any efforts that you have to prioritize that.

10 One other thing that's not in our written
11 testimony but just hearing other folks' testimony and
12 other concerns, one thing, I don't know if it's too
13 late but prioritizing union companies in the bidding
14 for the Commercial Waste Zones, that is the best
15 recourse for wage theft. That is the best recourse
16 for safety issues. We have either biweekly or monthly
17 safety meetings with our members, depending on the
18 shop, and obviously any wage theft issues, we have a
19 grievance and arbitration process to address that so
20 if there was a way to prioritize union bidding
21 contracts in the CWZ process, I think that would go a
22 long way in addressing the concerns that have been
23 stated before.

24 LISA SALOMON: Good afternoon and thank
25 you to Chair Nurse for scheduling this hearing. My

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2 name is Lisa Salomon, and I am representing the New
3 York City Chapter of the Surfrider Foundation.

4 Surfrider Foundation is a national group that
5 protects our oceans and coasts for all people, and
6 Surfrider Foundation has been running the Reusable
7 New York City Coalition for three years now, which is
8 a group of 40 local New York City organizations that
9 are supporting different bills including bill Intro.
10 1161, a Local Law allowing reusable beverage
11 containers in sports venues. The New York City
12 Chapter does a lot of beach cleanups and mostly out
13 in the Rockaways, and plastic bottles and caps are
14 always some of the most commonly found items. Just so
15 far this year, we've held about 17 beach cleanups
16 with about 25 people per cleanup, and in total we've
17 found 680 plastic bottles, 2,471 bottle caps, and
18 1,323 plastic straws so clearly plastic pollution has
19 saturated our environment, our communities, and our
20 bodies too so we support this bill, and this bill
21 would reduce plastic pollution, allow New Yorkers to
22 not purchase and not use plastic bottles and be able
23 to use their own reusable water bottles. Thank you.

24 CHAIRPERSON NURSE: Thank you all. Yes,
25 thank you for sharing that and for the cleanups you

2 do, and I agree and I think in our hearings, every
3 Sanitation hearing, we have a section of questions
4 for CWZ which is not appreciated all the time by the
5 Admin because it's off topic for different hearings,
6 but we agree that the best route is to prioritize
7 companies that their workers are unionized to get
8 through. We're very eagerly awaiting to see who has
9 been awarded these, and for any non-union folks that
10 have, I think we should do everything we can to
11 support unionizing those shops so thank you.

12 COMMITTEE COUNSEL: Thank you. For our
13 next panel, we have Ryan Castalia, Rene del Carmen,
14 and Hector Vasquez.

15 RYAN CASTALIA: Good afternoon. Thank you
16 so much to Chair Nurse and the Council for the
17 opportunity to testify today, and I'd like to start
18 by applauding the Council on its commitment to
19 rigorously engaging with solid waste issues and by
20 consistently bringing to the forefront the community-
21 focused and sensitive mentality that we firmly
22 believe is the way forward when it comes to the
23 layered crises facing our communities around waste
24 and climate change.

2 I'm the Executive Director of Sure We
3 Can, a redemption center and an advocacy organization
4 that is New York's only non-profit dedicated to the
5 service of the industry recyclers who collect and
6 redeem the bottles and cans that others discard. I'm
7 here also as a representative of and advocate for the
8 Bottle Bill itself, the most effective recycling
9 system that exists in our city and state, which each
10 year diverts hundreds of thousands of tons of waste
11 while distributing millions of dollars into
12 environmental justice communities, also creating a
13 low-barrier way for marginalized folks to work, all
14 no cost to the City or State. It even promotes the
15 well-being of City Sanitation workers by reducing the
16 volume of waste that they need to haul. As we look
17 for solutions to the daunting problems posted by the
18 waste and climate crises, we can't afford to ignore
19 systems like the Bottle Bill that are already working
20 and that, despite institutional neglect, are making
21 real strides in diverting waste and cleaning and
22 empowering our communities. The stakes of the waste
23 crisis are extremely high and it demands
24 comprehensive multi-front solutions. The deposit
25 model could be expanded and used to collect any kind

2 of material including refillables. Independent
3 recyclers could be supported in transitioning to more
4 formal employment, finally accessing the livelihoods
5 and security they're commitment to our communities
6 has earned. Yet, these types of transformations are
7 rarely entertained, more centralized and exclusive
8 waste systems are promoted, and even a simple update
9 to the Bottle Bill at the State level is a
10 politically grueling task, but New York City doesn't
11 need to wait for the State's permission to take
12 action. It can lead the way. The recyclers who work
13 with Sure We Can are ready to be full participants in
14 waste management, to offer their work and ideas, and
15 share their results, and, in order to do so, they
16 need recognition and support.

17 If our aim is truly a sustainable urban
18 culture, we must be sensitive to the needs and
19 experiences of communities who have borne and
20 continue to bear the burdens of overconsumption and
21 profligate waste and design approaches that support
22 their labor, take advantage of their wisdom, and
23 redress wrongs, especially as we consider fast-moving
24 holistic changes like containerization, which stands
25

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2 to powerfully affect those who see waste not as trash
3 but a resource for recycling and reuse.

4 Once again, I just want to applaud the
5 Council for tackling these issues. I'd also like to
6 take a moment to honor on the record my friend and
7 colleague Ryan Carson who was tragically killed a few
8 weeks and who was a tireless advocate for
9 transformative waste policy and for workers. In his
10 name, let's keep at it and together push for a New
11 York where everyone can sustainably thrive. Thank
12 you.

13 I'll also be interpreting for my friend,
14 Rene del Carmen.

15 RENE DEL CARMEN: Hi. Good afternoon,
16 Sandy Nurse. (SPEAKING SPANISH)

17 RYAN CASTALIA: My name is Rene del Carmen
18 (INAUDIBLE). I've worked at Sure We Can since 2014. I
19 became aware of Sure We Can when it was founded back
20 when I was a recycler, which I started doing out of
21 necessity. I found myself in a vulnerable situation
22 that obligated me to recycle. Recycling helped me
23 come to know how to help myself and learn more about
24 our society. It also helped me meet my economic
25 needs. I worked as a recycler in Manhattan for seven

2 years, and today I'm managing the whole space and
3 recycling system at the Sure We Can organization. The
4 work of recycling gave me strength to help our
5 environment and at the same time to meet my daily
6 needs and costs like rent, food, and supplies.
7 Mentally, it pushed me to stabilize my mind and
8 support my mental health. It served me like therapy
9 and helped me understand better the situation in
10 which all of us live. The system helps support people
11 in the most difficult situations and also helps the
12 City manage its solid waste, but it needs better
13 support to continue working, and the recyclers that
14 make this system work need to be respected and
15 supported too. My community and I seek recognition
16 and opportunity for jobs related to recycling, and we
17 ask to be included in the conversation around
18 containerization on the streets. Thank you.

19 CHAIRPERSON NURSE: Thank you both. Muchas
20 gracias, Rene. Also just want to acknowledge and just
21 note that how awful it is that we don't have Ryan
22 here because I know he would be testifying today so
23 thank you all. We appreciate what the canners do and
24 the canning community. I really hope to see you all
25 in more space, and I think it would be really

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2 important for New York City to formally recognize the
3 work that you all do and not try to find ways to take
4 credit for it. I really hope that this year we can
5 actually pass this legislation at the State level
6 because, not just the Bottle Bill but especially the
7 EPR which I know you all have thrown down on because
8 as we're facing this fiscal cliff, we need ways to
9 generate revenue for our operations as well as hit
10 the Zero Waste goals we've just spent all this time
11 working on. Thank you for what you do and just really
12 appreciate you staying all the way through and
13 testifying.

14 RYAN CASTALIA: Thank you so much, Council
15 Member.

16 RENE DEL CARMEN: Thank you so much.

17 COMMITTEE COUNSEL: Thank you. Gracias por
18 su testimonio.

19 Are there any others present who would
20 like to testify in person?

21 No? Okay.

22 We will move to the participants on Zoom.
23 First, we will hear from Dominick Romeo.

24 As we reminder to all participants on
25 Zoom, please limit your testimony to two minutes.

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2 Dominick, you may unmute yourself and
3 begin testifying.

4 DOMINICK ROMEO: Good afternoon. Thank
5 you, City Council Member Bottcher and Nurse as well
6 as Speaker Adams and the Department of Sanitation who
7 had actually showed up today.

8 Just to clarify a few things. I was
9 listening to some of the panel earlier from the
10 Department of Sanitation. I wanted to clarify a few
11 points that they made. Early morning pickups, you are
12 only allowed to register for those early morning
13 pickups in January of each year so if I was to say
14 let me get up early and try to throw out my garbage
15 then, I would have to wait an entire year for that.
16 Containerization of paper and cardboard is what I'm
17 referring to. Currently, we're allowed to throw out
18 cardboard that's tied up without a bag because the
19 bag would be too big to put in a container. We're
20 allowed to throw out cardboard without a container,
21 but we are not allowed to throw out paper and small
22 pieces of cardboard, and I've received no phone calls
23 from the members who had testified earlier
24 whatsoever, and I've only received three emails. One
25 was from Barbara Baretta (phonetic), and she's the

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2 Deputy Director, and then two emails from Brian Nolan
3 who is the Supervisor for Central Correspondence so
4 I'm not sure what they mean by they've reached out to
5 me because I keep good records on this.

6 Moving into my testimony, it has been 178
7 days since this poorly thought-out regulation was
8 enacted where us supers and porters have to go back
9 to work at 8 p.m. to toss out our building trash. We
10 have missed 73 nights so far in which our families
11 are no longer able to see us and our personal lives
12 have been destroyed because of this. I'm asking City
13 Council how many more nights do you expect us supers
14 and porters to suffer through? Winter is coming, and
15 we will now have to deal with freezing temperatures,
16 boiler issues, shoveling of ice and snow...

17 SERGEANT-AT-ARMS: Time expired.

18 DOMINICK ROMEO: I'm sorry. Excuse me.

19 COMMITTEE COUNSEL: Your time has expired.

20 Please wrap up as quickly as practicable. Thank you.

21 DOMINICK ROMEO: All right. I had a whole
22 bunch of things to say, but I just can't finish under
23 these timelines. I just think it's completely rude.
24 This is why you don't understand what we're saying is
25 because you don't give us enough time to say it, and

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2 then we play this telephone game where you're trying
3 to relay these messages to the Department of
4 Sanitation and they're not getting through to them so
5 now we're in the same situation where you're not
6 hearing our voice because we're only allowed two
7 minutes to say it and we're only allowed two minutes
8 to contradict some of the things that...

9 CHAIRPERSON NURSE: We're fully happy to
10 hear your testimony. Do you want to continue with
11 your points?

12 DOMINICK ROMEO: I don't have any more
13 time, Council Member Nurse.

14 CHAIRPERSON NURSE: I'm giving you an
15 extra minute or two if you'd like to complete, but
16 stick on topic.

17 DOMINICK ROMEO: I will. We gave you an
18 alternative plan which consists of allowing us to
19 throw out paper and cardboard. Currently, we're only
20 allowed to throw out cardboard. We really do need the
21 composting program put into place which will also
22 reduce our bags. We're asking also for a 9 a.m.
23 fining time because now we have to sweep our
24 sidewalks and also bring in those containers, and
25 we're not against containers. We actually respect

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2 them. We know that this is beneficial for the
3 reduction in the rats. We just need our lives back is
4 all we're asking for. That's it. Thank you.

5 COMMITTEE COUNSEL: Thank you, Mr. Romeo.
6 Next will be Alia Soomro followed by Dawn Henry and
7 then Anna Sacks.

8 Alia, you may unmute yourself.

9 ALIA SOOMRO: Good afternoon. My name is
10 Alia Soomro, and I'm the Deputy Director for New York
11 City Policy at the New York League of Conservation
12 Voters. Thank you, Chair Nurse and Members of the
13 Committee on Sanitation, for the opportunity to
14 testify.

15 NYLCV supports the passage of Intro. 1161
16 sponsored by Council Member Abreu. The bill would
17 require professional and collegiate sports venues to
18 allow attendees to enter the venue with reusable
19 beverage containers and establish penalties for
20 venues the fail to comply.

21 We also support Reso. 816 sponsored by
22 Council Member Nurse which calls upon the New York
23 State Legislature to pass and the Governor to sign
24 the Rechargeable Battery Recycling Law. The bill this
25 Resolution is in support of will be included in

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2 NYLCV's 2023 New York State Environmental Scorecard
3 this year. Single-use plastic products which are
4 designed to be used once and thrown away afterwards
5 like the ones thrown away in sports venues contribute
6 to our reliance on fossil fuels, harm residents and
7 waterways, and threaten the health of our local
8 wildlife. For each ounce of polyethylene produced,
9 the plastic most commonly used in single-use
10 plastics, one ounce of carbon dioxide is emitted.
11 When plastics are sent to landfills which are
12 historically located in low-income and communities of
13 color, these take centuries to decompose.
14 (INAUDIBLE), Reso. 816 is in support of a state bill
15 that would maximize the removal of unwanted
16 rechargeable batteries from the solid waste stream,
17 and this would help to reduce the amount of waste
18 being shipped to landfills.

19 Currently, Intro. 1161 is drafted to
20 allow the stadiums and arenas to decide what types of
21 container materials and sizes are allowed in the
22 venues. To strengthen this bill even more, we
23 recommend that the bill be amended so that the type
24 of bottle materials are not left to the discretion of
25 venues. Instead, at the very least the bill should

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2 specify that aluminum and stainless steel containers
3 be accepted. NYLCV also recommends that the bill
4 include a provision urging stadiums to offer
5 refillable cups and to allow attendees...

6 SERGEANT-AT-ARMS: Time expired.

7 ALIA SOOMRO: Containers sold at stadiums.
8 For instance, if a souvenir cup is sold at the venue,
9 attendees should be able to refill them. We support
10 both Intro. 1161 and Reso. 816, and we urge the
11 Council to vote yes when they come up for a vote.
12 Thank you for the opportunity to testify.

13 COMMITTEE COUNSEL: Thank you. Next will
14 be Dawn Henry.

15 DAWN L. HENRY: Thank you. Good afternoon
16 to everyone. I am here to testify in support of
17 Intro. 1161. I am Dawn Henry, Senior Advisor for
18 Beyond Plastic. It's a project at Bennington College
19 with a mission to end plastic pollution everywhere.
20 It is a fact that nearly 10 billion tons of plastic
21 have been produced since 1950, and sadly only 9
22 percent has been recycled. Global plastic production
23 is projected to increase by 40 percent by 2030. You
24 may say what's wrong with that. Well, we know that
25 the ill effects of micro- and nanoplastics on the

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2 body will continue to increase because plastic is
3 produced with multiple toxic chemicals like
4 formaldehyde, PFAS, and (INAUDIBLE). For every pound
5 of plastic in the ocean, we have three pounds of fish
6 so it's quickly catching up to the fish population,
7 and facilities that produce plastics and manage
8 plastic waste, they're predominantly located in
9 communities of color and underprivileged. Packaging
10 accounts for about 40 percent of plastics produced so
11 Intro. 1161 directly gets at the problem. There are
12 several sports venues in New York City including five
13 Major League teams. The New York Yankees alone saw
14 over 3.2 million visitors in 2023. When we allow
15 these visitors to use their own beverage containers,
16 we are reducing the demand of single-use plastic
17 packaging and, by extension, plastic production.

18 I want to take a second to let everybody
19 know that New York's Packaging Reduction and
20 Recycling Infrastructure Act, it's for consideration
21 before the New York Legislature, and this fits nicely
22 with Intro. 1161. It will accomplish some important
23 goals like reducing packaging (INAUDIBLE),
24 incentivizing the use of...

25 SERGEANT-AT-ARMS: Time expired.

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2 DAWN L. HENRY: Thank you. I'll wrap up.

3 And importantly for New York City, it will relieve

4 taxpayers of the burden of managing waste and save

5 New York, potentially the City, over 100 million

6 dollars a year so I really appreciate you allowing me

7 to testify in support of Intro. 1161, and I'll remain

8 available for any questions. Thank you.

9 COMMITTEE COUNSEL: Thank you, Miss Henry.

10 Next, we will have Anna Sacks followed by Jackie

11 Nuñez and Kira Cruz.

12 Anna, you may unmute yourself.

13 ANNA SACKS: Hi. Thank you for having me.

14 I'm here in strong support of Intro. 978. I want to

15 show you a few items that I've gotten from CVS and

16 Duane Reade's trash the past few weeks. These are

17 toothpaste for kids, I don't know if you can see

18 it, but it's sealed and it doesn't expire until

19 2025. Here's some toothpaste that I'm using for

20 myself, and here's some shampoo. CVS, Duane Reade,

21 all these chains discard usable items for pretty

22 arbitrary reasons. If certain packaging is damaged,

23 if the item was returned, if there is new packaging

24 and the manufacturer or the producer has ordered

25 that the old packaging be removed from the shelves,

2 and I haven't bought shampoo, conditioner,
3 toothpaste for the past five years, as long as I've
4 been doing it, because I find these so frequently.
5 Sometimes, also the tampons in a box will be thrown
6 out of the box and then they might squeeze a
7 toothpaste tube on top of it so then no one can
8 salvage it. This is popular. I started a change.org
9 petition five years ago. It has half a million
10 signatures. It's common sense. These are some of
11 the most in-need items by shelters, far more than
12 food because food is in plenty supply unfortunately
13 because they overproduce, but these items are
14 really hard for shelters to come by. Oftentimes,
15 they have to purchase it out of their own budget.
16 We currently have a large population of people in
17 need, especially with the migrant crisis, people
18 who come here having nothing, and if we pass this,
19 it will be the first in the nation, if not the
20 world, to specifically have a donate don't dump law
21 for hygiene items. Some places already have donate
22 don't dump laws for food, but I think that hygiene
23 items make a lot of sense given how in-need these
24 are.

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2 I also want to push back a little bit
3 that DSNY, I would like to see DSNY and New York
4 City as a whole invest more in creating a circular
5 system that prioritizes (INAUDIBLE)

6 SERGEANT-AT-ARMS: Time expired.

7 DAWN L. HENRY: I actually don't think it
8 would require that much resources to implement once
9 you set up the partnerships. Thank you.

10 COMMITTEE COUNSEL: Thank you. Next will
11 be Jackie Nuñez.

12 JACKIE NUÑEZ: Hi. My name is Jackie
13 Nuñez. I'm the Founder of the Last Plastic Straw
14 and Advocacy and Engagement Manager for Plastic
15 Pollution Coalition, and I'm speaking on behalf of
16 Plastic Pollution Coalition and the Last Plastic
17 Straw.

18 We're in support of Intro. 1161, BYO
19 Bottle for Events legislation, that's allowing fans
20 and patrons to bring their own reusable water
21 bottles to sports venues in New York City. Thank
22 you for allowing us the opportunity to speak to
23 your Committee today and to Council Member Shaun
24 Abreu for introducing this important legislation. I

25

2 just think it's really great that you guys are
3 considering this in your city.

4 I just want to bring a couple of facts
5 here. Humans purchase about a million plastic
6 bottles per minute, and it's predicted that by 2050
7 the oceans will create more plastic by weight than
8 fish in the ocean if we continue on this path.

9 Also, 99 percent of plastic is made from fossil
10 fuels, as you know, and also it contributes to the
11 climate emissions and pollution at every stage of
12 its existence, from extraction to waste. The Center
13 for International Environmental Law estimates that
14 plastics could account for up to 15 percent of the
15 world's carbon budget by 2050 if decisive action is
16 not taken so, again, I commend you guys for
17 introducing this law and considering this.

18 Contrary to what the plastics industry
19 would like you to believe, we do not have a plastic
20 waste problem. We have a wasteful plastic problem,
21 and single-use plastic water bottles and cups for
22 events fall into that category of wasteful plastic.

23 (INAUDIBLE) campaign for reuse, we need to reduce
24 the ever-growing use of single-use disposable
25 plastic as well as lower the amount of micro- and

2 nanoplastics contaminating our air, oceans created
3 throughout the plastics lifecycle. By doing this,
4 we also avoid ingestion of chemicals that leach
5 from plastic bottles into the water we drink. To do
6 this, remedy is simple. Drink water from tap or get
7 in the habit of carrying glass or metal water
8 bottles when you go out.

9 The Plastic Pollution Coalition has been
10 working with coalition partners since 2013 with..

11 SERGEANT-AT-ARMS: Time expired.

12 JACKIE NUÑEZ: Campaign for music
13 festival and venues and also as a founding partner
14 of Sustainable Concerts Working Group at Stadiums,
15 Festivals, and Events through the BYO Bottle
16 campaign. Bring your own reuse (INAUDIBLE) systems
17 work, and it divers thousands of single-use plastic
18 bottles and cups per event. We have seen nothing
19 but net positive results for both fans, musicians,
20 athletes, and venues in communities that are asked
21 to handle the waste from these mass-gathering
22 events. Plastic Pollution Coalition supports
23 legislative and regulatory solutions that address
24 the plastic pollution crisis at the source, reduce
25 plastic production and use, and center

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2 environmental justice (INAUDIBLE) responsibility by
3 holding corporations accountable, and to create
4 policies that support a regenerative (INAUDIBLE)
5 society free of plastic pollution and its toxic
6 impacts. We too are in agreement with NRDC,
7 Surfrider, and others in recommending that an
8 amendment to the provision that specifies that
9 venues determine what types of reuseable beverage
10 container permitted to instead allow a patron to
11 bring their own metal, aluminum, or plastic
12 reuseable bottle to New York City sports venues.
13 With this amendment, we are in full support of the
14 passage of this legislation to allow fans to bring
15 their own reuseable water bottles to events.

16 Lastly, as we move away from the dark
17 ages of fossil fuel dependence and wasted resources
18 towards more just and equitable solutions to
19 plastic pollution to our regulatory framework, all
20 reuse and refillable systems need to include a BYO
21 component to stay just and equitable for all. Thank
22 you.

23 COMMITTEE COUNSEL: Thank you. Next will
24 be Kira Cruz.

2 KIRA CRUZ: Hello. Thank you for the
3 opportunity to speak today on behalf of
4 Introduction number 1161. My name is Kira Cruz,
5 Debris Free Sea Coordinator for Clean Ocean Action,
6 or COA for short, a 501(c)(3) non-profit
7 organization based in Long Branch, New Jersey. COA
8 formed in 1984 to investigate sources, effects, and
9 solutions of ocean pollution, and today is a
10 leading local, regional, and national voice whose
11 mission is to improve the degraded water quality of
12 the marine waters off the New Jersey/New York
13 coast. We do research on pollution issues affecting
14 the marine environment and formulate policy and
15 campaigns to eliminate pollution at the source
16 including plastic pollution. Clean Ocean Action
17 hosts a statewide semiannual environment called
18 Beach Sweeps of New Jersey. It's the largest
19 volunteer environmental event in New Jersey. COA's
20 Beach Sweeps started in 1985 at one cleanup site
21 with 75 volunteers. Fast forward 38 years, and the
22 program now hosts 77 sites statewide with thousands
23 of dedicated volunteers. The data we collect is
24 used to monitor trends and items collected and is
25 used to support legislative and policy efforts at

2 the local, state, regional as well as national
3 levels to reduce litter and pollution. Over the
4 years, the one trend that has been consistent,
5 plastics are a devastating problem. Each year, in
6 the Beach Sweeps data, the category of plastics
7 including foam plastics dominates the total items
8 collected by a landslide.

9 In relation to the bill under
10 consideration, I will highlight our data about
11 plastic bottles and the associated plastic caps. In
12 2022, 10,051 plastic beverage bottles and 52,512
13 bottle caps were found during our Beach Sweeps.
14 From 2017 to 2022, a total of 63,825 plastic
15 beverage bottles and 301,216 bottle caps were
16 removed during the Beach Sweeps. The ocean is
17 shared between New York and New Jersey and,
18 unfortunately, so is the pollution. As such, Clean
19 Ocean Action applauds the New York City Council for
20 considering this bill and supports legislation to
21 reduce sources of litter, including plastic
22 bottles, plastic bottle usage, and, by extension,
23 demand for single-use plastics to protect the
24 communities, waterways, and the ocean downstream.
25 Thank you.

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2 SERGEANT-AT-ARMS: Time expired.

3 COMMITTEE COUNSEL: Thank you. Next will
4 be Wendy Frank.

5 CHAIRPERSON NURSE: Okay, that is our
6 hearing for today. Thank you, everyone, who gave
7 testimony, to all the workers who were here today
8 as well as the Admin for coming and participating.

9 This concludes our hearing. [GAVEL]

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C E R T I F I C A T E

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



Date November 6, 2023