

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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June 3, 2024  
Start: 10:01 a.m.  
Recess: 1:38 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Shaun Abreu, Chairperson

COUNCIL MEMBERS:

Chris Banks  
David M. Carr  
James F. Gennaro  
Julie Menin  
Sandy Nurse  
Vickie Paladino  
Rafael Salamanca, Jr.  
Sandra Ung  
Inna Vernikov  
Susan Zhuang

A P P E A R A N C E S

Jessica Tisch, Commissioner of the New York City  
Department of Sanitation

Frank Marshall, Deputy Commissioner of the New  
York City Department of Sanitation

Robert Orlin, Deputy Commissioner of the New  
York City Department of Sanitation

Elizabeth Crotty, Commissioner of the New York  
City Business Integrity Commission

Nicole Mathias, Director of Policy of the New  
York City Business Integrity Commission

Antonio Reynoso, Brooklyn Borough President

Meghan Carr, Legal Fellow at New York Lawyers for  
the Public Interest

Eric Goldstein, Natural Resources Defense Council

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

Jane Selden, Chair of a Committee on Waste  
Reduction at 350NYC

Jenille Scott, Climate Director at ALIGN

Matthew Civello, Chair of the Manhattan Solid  
Waste Advisory Board

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

Mary Krieger, It's Easy Being Green

Brian Gardner, Cole Schotz

Charles Dippolito, Approved Storage and Waste Hauling

Sharon Brown, self

Josh Kellerman, Director of Public Policy at the Retail Wholesale and Department Store Union

David Biderman, President of Biderman Consulting, LLC

Anna Sacks, self

Andrea Scarborough, Board Member of the Southeast Queens Residents Environmental Justice Coalition

Daniel Wright, President of Local 813 International Brotherhood of Teamsters

Joyce Bialik, self

Clare Mifflin, Executive Director of the Center for Zero Waste Design

Andrew Rigie, Executive Director of the New York City Hospitality Alliance

Justin Green, Executive Director of Big Reuse

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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 on June 3, 2024, located in  
5 Chambers by Nazly Paytuvi.

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

10 If you would like to testify, you may  
11 submit your at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

12 At this time, please silence all  
13 electronic devices.

14 No one may approach the dais at any time  
15 during this hearing.

16 Chair, we are ready to begin.

17 CHAIRPERSON ABREU: [GAVEL] Good morning,  
18 everyone. I would like to thank the Sanitation  
19 Committee Members, DSNY Commissioner Jessica Tisch,  
20 Deputy Commissioner Robert Orlin, and Deputy  
21 Commissioner Frank Marshall, and BIC Commissioner  
22 Elizabeth Crotty, and BIC Director of Policy, Nicole  
23 Mathias. I'd also like to thank the Members of the  
24 public who are here to testify.

1  
2                   To minimize disruption, please place  
3 electronic devices on vibrate or silent mode.

4                   I would also like to thank Council  
5 Members present today, Julie Menin. Thank you for  
6 joining us, Council Member.

7                   In 2019, the Council enacted Local Law  
8 199, requiring the establishment of a new system for  
9 the collection of a portion of commercial waste  
10 produced in New York City. The purpose of today's  
11 hearing is to learn more about the City's  
12 implementation of this law and the new Commercial  
13 Waste Zone system. According to the Council's  
14 findings and the legislative purpose of Local Law  
15 199, the current commercial waste collection system  
16 is plagued by dangerous driving and insufficient  
17 attention to public safety, leading to dozens of  
18 deaths on New York City streets, harmful  
19 environmental and public health impacts such as  
20 excessive truck emissions and noise pollution,  
21 dangerous conditions for commercial waste collection  
22 workers, and poor customer service such as opaque  
23 pricing, putting small businesses at a disadvantage.  
24 According to the same findings, this new system will  
25 result in carters adequately training their workers

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2 on safe practices, a dramatic reduction in truck  
3 traffic and roadway wear and tear, reduced incentives  
4 for unsafe driving, enhanced protections for  
5 commercial waste collection workers, advancement of  
6 the City's efforts to reduce waste and increase  
7 recycling, and overall promotion of the public  
8 health, safety, and welfare of all New Yorkers.

9           Pursuant to Local Law 199, DSNY has  
10 divided the city into 20 Commercial Waste Zones and  
11 has since evaluated responses to its request for  
12 proposals from private carters interested in  
13 servicing one or more of these zones. In performing  
14 such evaluation, DSNY was required to consider 14  
15 distinct factors such as the applicant's proposed  
16 rates, financial statements, health and safety plan,  
17 and history of compliance with federal, state, and  
18 local law. Local Law 199 prohibits DSNY from awarding  
19 a single carter contract to perform collection  
20 services in more than 15 zones. In January of this  
21 year, 18 carters were awarded contracts to perform  
22 collection services in one or more zones.

23           Nearly four years since the passage of  
24 Local Law 199, DSNY has announced that it will  
25 conduct a pilot program for the City's first

1  
2 Commercial Waste Zone, starting in September of this  
3 year. This will be conducted in a zone known as Queen  
4 Central, which encompasses the diverse neighborhoods  
5 of Corona, East Elmhurst, Forest Hills, Glendale,  
6 Jackson Heights, Rego Park, not sure I pronounced  
7 that correctly, and Ridgewood.

8           We look forward to hearing detailed  
9 information from the Department of Sanitation about  
10 their implementation of Local Law 199 and learning  
11 from the Business Integrity Commission, which I refer  
12 to as BIC interchangeably at this hearing, about  
13 their collaboration with DSNY in implementing the new  
14 Commercial Waste Zone system and its future plans to  
15 monitor the relevant licenses for their good  
16 character, honesty, and integrity. We're also looking  
17 forward to hearing from members of the community  
18 about their concerns and priorities regarding this  
19 new commercial waste landscape.

20           We're also hearing a few bills today.  
21 These include a Pre-Considered Intro. that I've  
22 introduced in relation to mergers, acquisitions, and  
23 combinations of awardees of agreements to provide  
24 commercial waste collection services. In keeping with  
25 the spirit of Local Law 199, it is imperative that no

1  
2 one entity be awarded more than 15 zones at any given  
3 time, and this bill would seek to ensure that.

4 We will also be hearing Intro. number 352  
5 in relation to creating a Commercial Waste Zones  
6 working group and Intro. number 696 in relation to  
7 establishing organic waste composting facilities in  
8 each borough, both sponsored by Council Member and  
9 Committee Member Sandy Nurse. I look forward to the  
10 dialogue regarding these bills today.

11 I would like to thank everyone on my team  
12 and the Sanitation Task Force for their work on this  
13 legislation and oversight hearing preparations.

14 Today, we will begin the hearing with  
15 testimony from DSNY and BIC followed by members of  
16 the public.

17 I will now turn it over to our Committee  
18 Counsel to administer the oath.

19 COMMITTEE COUNSEL BARRETT: Good morning.  
20 Could you please raise your right hands? Thank you.

21 Do you affirm to tell the whole truth and  
22 nothing but the truth in your testimony before the  
23 Council and to respond honestly to Council Member  
24 questions?

25 COMMISSIONER TISCH: I do.



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DEPUTY COMMISSIONER ORLIN: I do.

DEPUTY COMMISSIONER MARSHALL: I do.

DIRECTOR MATHIAS: I do.

COMMISSIONER CROTTY: I do.

COMMITTEE COUNSEL BARRETT: Thank you. You  
may begin your testimony. Thank you.

COMMISSIONER TISCH: Good morning, Chair  
Abreu and Members of the Committee on Sanitation and  
Solid Waste Management. I am Jessica Tisch,  
Commissioner of the New York City Department of  
Sanitation, and I am joined today by Deputy  
Commissioner for Legal Affairs Robert Orlin and  
Assistant Commissioner for Commercial Waste Frank  
Marshall.

New York's strongest collect and process  
24 million pounds of waste each day. Every New Yorker  
knows about their vital and unceasing effort, but  
that incredible daily undertaking accounts for only  
about 50 percent of the trash on our streets. The  
other half, 20 million pounds produced by our  
businesses, large and small, is not collected by DSNY  
but rather by a Byzantine network of private waste  
haulers. This system is badly outdated and its  
overall structure and day-to-day operations have not

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1 kept pace with the best practices around waste  
2 management. This has a real impact on the hardworking  
3 people of the private sanitation industry, on New  
4 Yorkers who live in mixed-use neighborhoods or near  
5 waste transfer stations, and, of course, on all small  
6 businesses. While DSNY does not collect this waste,  
7 Local Law 199 of 2019 clearly and specifically  
8 directs the Department to regulate its collection.  
9 This law, crafted after years of negotiations between  
10 the City Council and the carting industry, was  
11 designed to bring a perceived wild west of commercial  
12 carting under control, to create a cavalry of sorts  
13 in the form of the DSNY Bureau of Commercial Waste.  
14 The implementation of this massive reform required  
15 careful planning. As you all know, finalizing even a  
16 single City contract can take months or years. This  
17 law required no fewer than 18 contracts comprising 65  
18 awards. It required the formation of committees, the  
19 development of new tech platforms, and extremely  
20 detailed contract negotiations, totaling in the tens  
21 of thousands of pages of documents. This work was  
22 done with a focus on the core goals of the law,  
23 increase safety, improve sustainability, and prevent  
24 massive price spikes that have hampered similar  
25

1 reform efforts around the country. I am proud to  
2 report that this effort is well on track, with the  
3 first of the 20 non-exclusive Commercial Waste Zones  
4 described in the law slated to go online this fall in  
5 Corona, Elmhurst, Jackson Heights, and other  
6 neighborhoods in a zone designated as Queen Central.  
7

8 I will now provide updates on several key  
9 components of the implementation plan. First is  
10 safety. It is no secret that the commercial carting  
11 industry has long been plagued by safety issues, both  
12 for people working in the industry and for the public  
13 at large. As part of this program, all commercial  
14 carters are required to make substantial upgrades to  
15 the safety equipment of their vehicles, including the  
16 installation of backup cameras, auxiliary exterior  
17 lighting, and GPS monitoring systems like the ones  
18 used by municipal waste vehicles. Requiring carters  
19 to make this investment will make a real difference  
20 in safety. All workers in this sector are also  
21 receiving a new mandated safety training, 40 hours  
22 either this year or when they begin their careers  
23 plus an eight-hour refresher every year thereafter.  
24 This must be completed citywide by the end of this  
25 month and is well underway. There was no standardized

1 safety training requirement prior to Local Law 199.  
2 Any updates to this training that may be needed, as  
3 well as other suggestions on how to improve worker  
4 and public safety in this industry, will come from  
5 the new Safety Task Force created by the law. Local  
6 Law 199 outlines 11 members of this Task Force,  
7 including four individuals appointed by the City  
8 Council. The current Council appointees were named by  
9 then-Speaker Johnson. I expect the Task Force to meet  
10 this month, and I would like to remind the Council of  
11 its opportunity to update these holdover appointees  
12 before then as the Adams' Administration recently  
13 did. Our appointees represent a broad range of policy  
14 knowledge and professional experience.

15  
16 All awardees were also required to submit  
17 written health and safety plans, and operationalizing  
18 those plans is a mandatory contractual requirement to  
19 operate within a Commercial Waste Zone.

20 But all of these requirements would be  
21 moot without substantial new oversight authority,  
22 which DSNY receives under this law. The Department  
23 may terminate any contract if the awardee or any of  
24 its officers, directors, partners, 5 percent or  
25 greater shareholders, principals, or other employee

1  
2 or person substantially involved in its activities  
3 are indicted or convicted under any state or federal  
4 law for certain criminal offenses, including any  
5 offense possibly indicating a lack of business  
6 integrity. Additionally, DSNY has the broad authority  
7 to require any awardee to enter into a monitorship  
8 agreement with an independent monitor at any time  
9 DSNY deems necessary. The Department has exercised  
10 this authority over two awardees, Cogent Waste  
11 Solutions and New York Recycling Solutions, which is  
12 a joint venture in which Cogent has a 50 percent  
13 stake. After learning that in December of 2023,  
14 following a year-long audit, the Business Integrity  
15 Commission filed a Notice of Violation against Cogent  
16 with a record high number of counts in the thousands  
17 regarding administrative issues. DSNY selected the  
18 monitor, former Assistant U.S. Attorney and former  
19 NYPD Deputy Commissioner of Internal Affairs Walter  
20 Mack of Doar, Rieck, Kaley, and Mack, and Cogent and  
21 NYRS will bear the full costs. The monitor has the  
22 authority to investigate the activities of Cogent and  
23 NYRS with respect to their compliance with applicable  
24 federal, state, and local laws, rules, regulations,  
25 including those related to safety, and his duties

1  
2 will begin four months prior to the earliest zone  
3 implementation date for Cogent or NYRS. DSNY will  
4 take similar steps towards other awardees if and when  
5 warranted.

6           In keeping with the multiple goals of the  
7 law, we are improving safety while also increasing  
8 the environmental sustainability of this industry.  
9 Ending the old routing structure in which a carter,  
10 and therefore a truck, could serve businesses miles  
11 apart in different boroughs in a single night will  
12 lead to a 50 percent reduction in vehicle miles  
13 traveled. That's 12 million fewer miles of diesel  
14 vehicles traversing our streets, and there's a  
15 substantial sustainability angle for the businesses  
16 served by CWZ awardees. Making good on a promise from  
17 when this program was created, businesses will pay  
18 less for the collection of recyclables and  
19 compostable material than they do for trash. A  
20 citywide average of 32 percent less for recycling and  
21 18 percent less for compostable material. That means  
22 businesses will have a meaningful financial incentive  
23 to separate their waste properly.

24           On that topic, I would like to take the  
25 opportunity, as I have at two previous hearings, to

1  
2 again raise the issue of commercial organics  
3 separation. Local law 146 of 2013 requires certain  
4 commercial establishments to separate their  
5 compostable material, but this law is now  
6 substantially out of step with the City's commitment  
7 to diversion of compostable waste. While the  
8 Commercial Waste Zone system will improve commercial  
9 diversion, we also urge the Council to consider an  
10 update that would allow DSNY to require source  
11 separation at all commercial establishments in line  
12 with the progress made in residential diversion. If  
13 helpful, I have a proposal for new legislation right  
14 here in my hand. And one last point on the issue of  
15 compostable material. The rules promulgated by DSNY  
16 on the implementation of Commercial Waste Zones  
17 specifically allow an account for micro haulers of  
18 organic waste. These sustainable small businesses are  
19 not a part of why the commercial carting industry  
20 needed this reform, and it is not this Department's  
21 intention to put them out of business. Rather, they  
22 will be given the freedom to continue to operate  
23 largely as they have, cycling around the city and  
24 putting compostable material to beneficial use.

1  
2           So DSNY has taken steps to drastically  
3 improve safety and sustainability in the industry,  
4 but we were tasked with doing so without bringing  
5 about massive price increases that would harm our  
6 small businesses as has occurred in other cities that  
7 have attempted similar reforms. This was extremely  
8 important to me. None of these reforms will work if  
9 the cost of waste service starts forcing small  
10 businesses to shutter. I am very proud to share that  
11 through very thoughtful and careful contracting, we  
12 have improved the quality of service provided while  
13 keeping costs down. In 18 out of the 20 Commercial  
14 Waste Zones, there is at least one awardee whose  
15 maximum pricing is lower than the current BIC rate  
16 cap. In the two outliers, the amount above the cap is  
17 in the low single digits as opposed to the  
18 exponential growth that some feared. Just like with  
19 the BIC rate cap, these maximum prices are a ceiling,  
20 not a floor. Businesses are encouraged to negotiate  
21 with the in their zone for even lower pricing. To  
22 help with those negotiations, we have developed a  
23 very intuitive and easy-to-use pricing calculator  
24 where businesses can put in precisely how much and  
25 what type of collection they need and see the pricing



1 for all of the awardees in their zone. The tool is  
2 available at [nyc.gov/commercialwaste](http://nyc.gov/commercialwaste).

3  
4 Substantial on-the-ground outreach around  
5 these changes is about to begin in earnest. A mailer  
6 to businesses in the first zone will go to print this  
7 Wednesday, and starting on July 1st, DSNY will be  
8 blanketing the entire zone with door-to-door  
9 outreach. Both of these efforts are taking place on a  
10 timeline set forth in the law. Canvassing will be  
11 overseen by DSNY staff but largely conducted by an  
12 M/WBE vendor, Metropolitan Strategies and Solutions.  
13 We also plan to work closely with the NYPD Community  
14 Affairs Unit to expand the outreach of this effort.

15 But quality of the outreach is every bit  
16 as important as quantity. Queen Central is perhaps  
17 the most linguistic and culturally diverse place on  
18 earth, and our outreach plans reflect that. In  
19 addition to the Local Law 30 languages, our outreach  
20 materials are being translated into languages spoken  
21 within the zone, including Tibetan, Thai, Nepali,  
22 Yiddish, Italian, Hindi, Greek, and Albanian. And  
23 lest you think that outreach is waiting until later  
24 in the summer, info sessions are already underway.  
25 The DSNY Outreach Team is leading discussions with

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1 the members of trade associations that represent  
2 large numbers of businesses, the New York City  
3 Hospitality Alliance, the Retail Council of New York  
4 State, the Hotel Association of New York City, and  
5 many others. This work will continue. The goal is to  
6 reach absolutely every business in the zone multiple  
7 times, informing them of their new rights under this  
8 program, the tools available to them, and the  
9 requirement that they sign a new contract with a CWZ  
10 awardee between September 3, 2024, and January 2,  
11 2025, in the case of the Queen Central zone. As that  
12 period gets underway, the content of outreach will  
13 change, from explaining the program to ensuring that  
14 businesses understand what will happen if they do not  
15 register a new contract, namely that a carter will be  
16 assigned to their business by DSNY.

17  
18 Mr. Chair and Members of this Committee,  
19 you all know that New York City is in the midst of a  
20 trash revolution. You see the containers. You see the  
21 compost bins. This work to reform the commercial  
22 carting industry and to do it right is something many  
23 New Yorkers may never actually see directly with  
24 their own eyes, but it is vital. It means cleaner  
25 air, cleaner streets, and a cleaner way of doing

1 business for every commercial property in our city.

2 While we have covered significant ground today, there  
3 is still more information about this program for  
4 carters, businesses, and residents available at  
5 [nyc.gov/commercialwaste](http://nyc.gov/commercialwaste).  
6

7 I will now turn to the bills on today's  
8 agenda. Intro. 352, sponsored by Council Member  
9 Nurse, would require the Department to create a  
10 Commercial Waste Zones working group with up to 20  
11 members, at least eight of whom will be  
12 representatives of the carting industry. Given that  
13 proposed makeup, I cannot support this bill in its  
14 current form. The inclusion of some but not all  
15 awardees or their designees in the working group  
16 would present legitimate concerns about favoritism  
17 and access in making policy decisions about the  
18 ongoing implementation of this program and, as  
19 discussed earlier in this testimony, the CWZ Safety  
20 Task Force is planning to meet this month. This will  
21 allow for discussion of all critical safety-related  
22 issues, making this additional working group  
23 unnecessary as proposed.

24 Intro. 696, also sponsored by Council  
25 Member Nurse, would require DSNY to establish at

1  
2 least one organic waste composting facility that can  
3 accept source-separated organic waste in each borough  
4 on a specific schedule between 2026 and 2027. While I  
5 strongly support the goal of waste equity, there are  
6 several issues with the specifics of this bill that  
7 make it infeasible. Let's begin with the size. The  
8 bill as written says that each of the five must be  
9 able to process 360 million pounds of source-separated  
10 organic material per year. This is about three times  
11 the size of our massive Staten Island compost  
12 facility. At 33 acres, the Staten Island compost  
13 facility is slightly larger than Ellis Island. The  
14 requirements of this bill would require about three  
15 times as much space as that, so more than three Ellis  
16 Island's, 90 acres, in each borough. It is  
17 approximately 240 times the size of the Earth Matter  
18 facility on Governors Island or the Big Reuse  
19 facility in Long Island City and, again, that's a  
20 per-borough requirement so we'd be talking about  
21 building over 1,000 facilities the size of a current  
22 community composting processing operation across the  
23 city. Then there's a cost. Extrapolating from the  
24 previous plans to build a composting facility at  
25 DSNY's Greenpoint Warehouse, hitting the requirements

1  
2 of this bill would have capital costs in the billions  
3 of dollars. That cost is not accounted for in the  
4 bill. Then there's the timeline, which as mentioned  
5 is specifically spelled out in the bill. The timeline  
6 provided does not account for the fact that this kind  
7 of development would absolutely require an  
8 environmental impact study, ULURP, and State DEC  
9 permitting. Finally, there's the fact that this bill  
10 specifies composting at these sites rather than  
11 leaving the flexibility of other forms of beneficial  
12 use. We need to accept that the goal is getting this  
13 waste out of landfills. New York City already  
14 produces more compost than we can give away, and  
15 reducing our need for fracked gas by producing  
16 renewable energy from food waste is also a noble goal  
17 and a substantial win for the environment. I would  
18 also like to remind the Council that DSNY does  
19 currently have an RFP actively underway to expand the  
20 diversity of our processing of compostable material.  
21 We share the same goals around waste equity and  
22 beneficial use but cannot support this bill due to  
23 the cost, the timeline, and the constraints of the  
24 physical environment of the five boroughs.

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2           The final bill on the agenda today, Pre-  
3 Considered T2024-2064, seeks to prevent an issue  
4 where mergers and acquisitions may reduce competition  
5 in a particular Commercial Waste Zone. I would  
6 welcome conversations with the sponsor, Chair Abreu,  
7 about the possibility of how such a situation might  
8 be best addressed. While I do not support it as  
9 written, I would like the opportunity for my team to  
10 work with your Staff on a few drafting issues so  
11 that, if passed, the law will match the spirit and  
12 the intent with which the bill was introduced.

13           I look forward to taking your questions  
14 on these bills and any other topics related to  
15 commercial waste. Thank you for your time.

16           COMMISSIONER CROTTY: Good morning, Chair  
17 Abreu and Members of the City Council Committee on  
18 Sanitation and Solid Waste Management. My name is Liz  
19 Crotty. I'm Commissioner and Chair of the New York  
20 City Business Integrity Commission, commonly known as  
21 BIC. With me is Nicole Mathias, Director of Policy.  
22 Thank you for the opportunity to testify today  
23 alongside Commissioner Tisch and my colleagues from  
24 the Department of Sanitation.

25

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2           The Business Integrity Commission is the  
3 regulator of commercial waste, otherwise known as the  
4 trade waste industry, and the wholesale public food  
5 markets in New York City. BIC's focus is ensuring  
6 that these industries operate fairly, safely, and  
7 without corruption while protecting customers. This  
8 morning, I would like to provide the Committee with a  
9 brief overview of BIC's current work, our role in  
10 relations to Commercial Waste Zones, and our ongoing  
11 efforts related to safety as a member of the Vision  
12 Zero Task Force.

13           BIC reviews, licenses, and regulates  
14 about 1,900 companies that haul various types of  
15 trade waste. Altogether, these companies have about  
16 6,800 commercial vehicles. The Commercial Waste Zone  
17 awardees represent a subset of the BIC licensees that  
18 haul refuse and recyclables from commercial  
19 establishments here in New York City. Commercial  
20 Waste Zones does not impact other BIC licensees and  
21 registrants that haul construction demolition debris,  
22 certain types of waste exempt from the Commercial  
23 Waste Zone program such as cooking grease, medical  
24 waste, perform on-junk removal services, or  
25

1 businesses that have a self-hauler registration with  
2 BIC to perform their own waste removal.

3  
4 As Commissioner and Chair of the Business  
5 Integrity Commission, I Chair the Board that consists  
6 of Commissioners of Department of Sanitation,  
7 Department of Investigation, Small Business Services,  
8 Department of Consumer Affairs, Worker Protection,  
9 and the NYPD. As Commissioner, I am in charge of the  
10 organization of BIC. However, when it comes to final  
11 decisions as Chair, BIC cannot deny a license or  
12 registration application without a majority vote of  
13 the Commission's entire membership.

14 BIC and DSNY have a longstanding  
15 partnership, and BIC has been involved in the  
16 planning of Commercial Waste Zones since the early  
17 stages, dating back to the prior Administration. The  
18 agencies serve two distinct but complementary  
19 purposes, with DSNY running the Commercial Waste Zone  
20 program and with BIC continuing to make character  
21 determinations for Commercial Waste Zone participants  
22 to investigate, license, and regulate non-Commercial  
23 Waste Zone carters. Carters who participate in  
24 Commercial Waste Zones will continue to have to apply  
25 for the renewal of their license every two years, and



1 BIC will continue to conduct thorough background  
2 investigations with regard to renewal applications.

3  
4 Under Commercial Waste Zones, BIC will  
5 have co-enforcement authority with Department of  
6 Sanitation, building on the existing collaboration  
7 between our enforcement teams who already conduct  
8 joint operations. Fostering these interagency  
9 partnerships is key to BIC's success and increases  
10 our capacity to regulate effectively. In addition to  
11 working with Department of Sanitation, BIC also  
12 regularly engages in joint enforcement operations  
13 with New York State Department of Transportation, New  
14 York City Department of Transportation, the NYPD  
15 Transportation Division, and the MTA Bridges and  
16 Tunnels Division. This Fiscal year to date, nearly 50  
17 percent of BIC violations issued to regulated trade  
18 waste companies have been related to vehicle and  
19 traffic safety and will continue to be one of our top  
20 priorities. As a Vision Zero Task Force member since  
21 2016, BIC is involved in numerous interagency safety  
22 efforts, and we have a strong partnership with the  
23 NYPD Collision Investigation Squad, commonly known as  
24 CIS, who investigate all fatal crashes. The BIC  
25 Investigation Unit averages more than 250 truck and

1  
2 garage inspections every month. In Fiscal Year 2024,  
3 so far we have removed more than 40 unsafe vehicles  
4 from the road and issued hundreds of administrative  
5 violations for safety infractions like failure to  
6 have a convex mirror for increased driver visibility,  
7 failure to produce required vehicle inspection  
8 reports, operation of a vehicle deemed to be unsafe,  
9 exhibiting a pattern of unsafe driving practices, and  
10 failure to install side guards. For example, per  
11 Local Law 108 of '21, side guards, which have been  
12 attached to many of the types of trucks we regulate,  
13 thanks to a combination of enforcement and persistent  
14 outreach efforts, for example, BIC has achieved 95  
15 percent compliance rate so far with the side guard  
16 requirement for the industry. BIC closely tracks  
17 safety and enforcement data and uses this information  
18 for targeted outreach to prioritize safety operations  
19 in the most high-risk areas.

20                   Since becoming Commissioner and Chair of  
21 the Business Integrity Commission, I have made sure  
22 that our work has been guided by the core objectives  
23 of the Adams' Administration of good government, safe  
24 streets, and responsiveness to the public. I look  
25 forward to continuing this important work and

1  
2 discussing our shared goals today. I'm happy to  
3 answer any questions you may have.

4 CHAIRPERSON ABREU: Thank you. I'd like to  
5 recognize the Council Members present with us today.  
6 We have Council Members Ung, Nurse, Gennaro, and  
7 Carr, and I've already recognized Council Member  
8 Menun.

9 I just want to start by saying this is  
10 going to be a long hearing because we have a breadth  
11 of questions so just brace yourselves if you have to  
12 go on a break. I'm not referring to the panel, but  
13 folks in the audience, take breaks as needed because  
14 it's going to be a long one.

15 I'll start off with my first question,  
16 and this is for Department of Sanitation. Local Law  
17 199 of 2019 requires DSNY to periodically publish  
18 reports on its implementation of the law. This report  
19 was due to the Council on September 30 of last year,  
20 and the DSNY received notice that it was late in  
21 submitting it. Commissioner, can you please provide  
22 an update on the implementation of Local Law 199 and  
23 the date by which we can expect your full report?

24 COMMISSIONER TISCH: Yeah, absolutely,  
25 Chair. As you know, I'm very respectful and always

COMMITTEE ON SANITATION AND SOLID WASTE  
MANAGEMENT

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1  
2 make best efforts to get any reports due to Council  
3 in quality products and on time. The reason that you  
4 don't have this one is that the annual report that's  
5 contemplated by the law requires us to report on  
6 things that we don't have because the program hasn't  
7 started, so things like the cost and volume of solid  
8 waste and recyclables, collection, and disposal,  
9 feedback from commercial establishments, the number  
10 and types of complaints received regarding commercial  
11 waste removal, outreach and education conducted, the  
12 number of vehicle miles traveled. Those are all  
13 things that we wouldn't have before the program  
14 begins. As you know, customers in the first zone can  
15 start signing up in September. They all have to be  
16 signed up by January 2nd, so I think that I'd like to  
17 get a reasonable amount of data before I provide the  
18 first report, but I'd like to work with you if you  
19 don't want us to wait a full year or maybe six months  
20 on what you think an appropriate runtime would be to  
21 collect that type of data and make it meaningful for  
22 Council.

23 CHAIRPERSON ABREU: Yeah, to the extent  
24 that it's difficult to get that data, you could

25

1  
2 always do a partial report as well and say pending  
3 when you get this other information as well.

4           COMMISSIONER TISCH: It's not that it's  
5 difficult to get the data. The data doesn't exist yet  
6 because the program hasn't started, but I would like  
7 to work with, once the program starts, we will get  
8 all of that data, and so I'd like to work with you  
9 and your office on when you think a reasonable time  
10 might be after the program begins in earnest to get a  
11 meaningful report to you.

12           CHAIRPERSON ABREU: All right. Thank you  
13 for that. According to the timeline laid out in the  
14 RFP, DSNY intended to finalize and register  
15 agreements with the selected carters in the summer of  
16 2022, yet the selections were not finalized and  
17 announced until January 2024. Can you speak to the  
18 reasons for this delay?

19           COMMISSIONER TISCH: Well, I can speak to  
20 what happened when I started two years ago and what I  
21 found and what we've done. This was a program that  
22 required us to make 65 awards. As I said in my  
23 testimony, to register a single contract in New York  
24 can routinely take a year so I don't think that the  
25 initial timeline that was promised to the Council was

1  
2 reasonable or thoughtful. What I can say is since I  
3 have taken over, a very strong team of dedicated  
4 public servants has been heads down, churning through  
5 all of this and doing so quite thoughtfully. Each  
6 submission that we had to review from the dozens and  
7 dozens of carters that proposed was thousands of  
8 pages. You don't want us to breeze through their  
9 technical plans, their sustainability plans. We made  
10 these awards quite thoughtfully. We've also built out  
11 a number of very important tech platforms, which will  
12 make our regulation of this industry quite  
13 meaningful. Among them, a telematics platform, which  
14 for the first time will give the City, and I imagine  
15 many of these companies, access to real-time  
16 information about where their trucks are, how fast  
17 they're going, whether they make short stops. There  
18 was a lot to overhauling the billion-plus-dollar  
19 industry works in New York City, and I submit that  
20 this team here at the Department of Sanitation has  
21 done it quite thoughtfully and quite aggressively,  
22 and we are not going to let up.

23 CHAIRPERSON ABREU: Would you say that the  
24 delay was due to the complications of applications,  
25

1 the technicalities, perhaps being under-resourced in  
2 terms of personnel to review the applications?  
3

4           COMMISSIONER TISCH: First of all, I  
5 reject the term delay, but we can discuss that  
6 offline. I don't think this Council was given a  
7 reasonable estimate of what it would take for this  
8 program to go live in the last Administration. It was  
9 never reasonable, and this is not about resourcing  
10 either so the way procurements work in the City,  
11 according to the PPB rules, which we've followed  
12 largely for this procurement to make sure that it's  
13 airtight and that it doesn't get undermined in court,  
14 there is a Vendor Selection Committee, which we  
15 selected a diverse group of people with different  
16 backgrounds, different types of experiences to bring  
17 to it. That Committee, every single person on the  
18 Committee had to read and score every single part of  
19 every single response, not just of the awardees,  
20 obviously, of the dozens and dozens of several-  
21 thousand-page submissions. If we'd had more people,  
22 it wouldn't have made it faster, because those, let's  
23 say, nine people, I may have the number wrong, but  
24 those nine people had to do the work themselves and  
25 had to do the scores. We took the opportunity in the

1  
2 meantime, while that thoughtful review was ongoing,  
3 to build out things that hadn't been built out, for  
4 example, the backbone for the rate calculator, the  
5 backbone for the telematic system so we didn't waste  
6 time on the other programmatic things that were  
7 required while this review was underway.

8           CHAIRPERSON ABREU: Thank you,  
9 Commissioner. Local Law 199 of 2019 requires DSNY in  
10 implementing the commercial zones framework to  
11 consider 14 distinct factors when awarding contracts  
12 to commercial carting companies. It is a statutory  
13 requirement. As outlined in the RFP, the City goals  
14 and objectives for the program include, among other  
15 things, zero waste, environmental benefits, customer  
16 service, health and safety, disposal, infrastructure,  
17 the modernization of fleets as well as pricing. How  
18 did the Agency balance and quantify the 14 factors  
19 listed in Local Law 199, and how were these various  
20 elements listed in the RFP prioritized during review  
21 of proposals?

22           COMMISSIONER TISCH: As I mentioned, we  
23 had a Vendor Selection Team, and they each read all  
24 of the submissions and addenda and plans, and there  
25 were the 14 categories that you referenced, the 14



1 objectives of the bill were each included in one of  
2 the three high-level categories, so there was  
3 operations and capacity, which was 25 percent of the  
4 overall score. That included a proposer's experience,  
5 their compliance history, their financial and  
6 business information, their capacity and services.  
7 The second piece was 35 percent. That was the  
8 technical plans, so you had the subcontracting plan  
9 in there, the customer transition plan, the education  
10 and outreach plan, the customer service plan, the  
11 zero waste plan, the waste management plan, the  
12 health and safety plan, and the air pollution  
13 reduction plan. The third big factor was pricing, and  
14 that was 40 percent. I want to make sure that it's  
15 clear that our reviewers didn't see the pricing until  
16 after the scores on the first two, on the other 60  
17 percent, were already submitted, and we used a  
18 pricing calculator tool that we developed to factor  
19 in pricing.  
20

21 CHAIRPERSON ABREU: So is it fair to say  
22 that pricing was the biggest percentage point in  
23 terms of weighting these factors?

24 COMMISSIONER TISCH: Pricing was 40  
25 percent.

1  
2 CHAIRPERSON ABREU: So this is your  
3 rubric, right? You had operations and capacity at 25  
4 percent.

5 COMMISSIONER TISCH: Yep.

6 CHAIRPERSON ABREU: And what did you say  
7 was at 35 percent?

8 COMMISSIONER TISCH: Technical plan.

9 CHAIRPERSON ABREU: Technical plan and  
10 pricing at 40 percent. One of the biggest reasons we  
11 did Commercial Waste Zones in the first place, right,  
12 was to make sure that safety was paramount.

13 COMMISSIONER TISCH: Yep.

14 CHAIRPERSON ABREU: And we'll get into  
15 that shortly, but where was that factor as part of  
16 your rubric?

17 COMMISSIONER TISCH: Safety was actually  
18 across multiple categories of the RFP selection, so  
19 within operations and capacity, that first 25  
20 percent, one of the factors was their compliance  
21 history, so that includes the record of CDL  
22 violations such as summonses, tickets, and  
23 complaints, their safety history including driving  
24 infractions, collisions, injuries, fatalities, etc.  
25 Then in the technical plans, safety is factored in

1  
2 under the health and safety plan where each proposer  
3 had to include the details of their fleet alignment  
4 with CWZ safety standards and an overview of the  
5 health and safety procedures so I would say that  
6 safety was represented between categories one, which  
7 was 25 percent, and two, which was 35 percent. It  
8 represented a piece of both of those.

9 CHAIRPERSON ABREU: Can you please speak  
10 to how the Vetting Committee members were selected  
11 and whether or not they were subject to the conflict-  
12 of-interest standards to make sure there was no  
13 conflict with business before the City?

14 COMMISSIONER TISCH: Yes. I don't have my  
15 ACO here, and I apologize for that. Bob, do you want  
16 to take that, or should we get back to them with the  
17 background checks? We're going to get back to you on  
18 it, but we'll get back to you on the checks done on  
19 each of the people.

20 CHAIRPERSON ABREU: Okay. We'll certainly  
21 follow up. We heard from a lot of applicants that  
22 there was a lot of confusion in general about how to  
23 calculate cost. Can you speak to the kind of  
24 feedback, guidance, or chances for revisions that  
25 DSNY gave applicants during this process?

1  
2                   COMMISSIONER TISCH: Sure. Bob, do you  
3 want to talk about the extensions that were given as  
4 they predated me?

5                   DEPUTY COMMISSIONER ORLIN: Yes. We worked  
6 with the 34 different awardees, made submissions for  
7 the final part two of the Commercial Waste Zone  
8 proposal. The Department carefully reviewed each of  
9 the submissions and worked with carters if there was  
10 additional information that was required.

11                   CHAIRPERSON ABREU: And if a specific  
12 carter had any confusion, was there opportunities for  
13 revision with respect to cost given how highly  
14 weighted it was?

15                   DEPUTY COMMISSIONER ORLIN: Yeah, we had  
16 general discussions. What I can say is that all 34  
17 awardees who submitted proposals to part two of the  
18 Commercial Waste Zone proposal were deemed responsive  
19 to our procurement.

20                   COMMISSIONER TISCH: And, sorry, I would  
21 add that everyone got a second go at it because we  
22 did engage in what is a best practice of procurement  
23 in New York City contracting, which is a best and  
24 final offer process so everyone made their initial  
25 submissions and then sometime later were able to put

1  
2 in a second as part of that best and final offer or  
3 BAFO process so two shots at it.

4           CHAIRPERSON ABREU: My next question is,  
5 given how, from a policy standpoint, these 14  
6 distinct factors, the law didn't specifically ask for  
7 one factor to be weighted more heavily than the  
8 other. Why the 40 percent for pricing?

9           COMMISSIONER TISCH: 40 percent was for  
10 pricing because there was real concern that when you  
11 take a lot of competition out of a market and you  
12 reduce the number of competitors in each zone to  
13 three, that prices could go up for our small  
14 businesses and impact our small businesses. If our  
15 small businesses in New York City were put out of  
16 business or couldn't afford the cost of waste  
17 hauling, then all of the other benefits of the  
18 program, the safety, the sustainability, they go out  
19 the window so, for me, pricing was very important  
20 because it was the key to getting all of the other  
21 benefits intended by the law.

22           CHAIRPERSON ABREU: If you had pursued a  
23 lower percentage for pricing, do you think that would  
24 have come at the expense of environmental  
25 considerations, labor considerations, or safety

1 considerations? I guess I'm trying to figure out why  
2 couldn't it have been 30 percent or 20 percent versus  
3 the 40 percent? How do you arrive at the 40 percent?  
4

5           COMMISSIONER TISCH: It could have been,  
6 and it was definitely an art, not a science but, as I  
7 said to you, there were two existential things that  
8 we worried about and, when I say existential, I mean,  
9 if those things went wrong, then the whole program  
10 would be paused or delayed or not move forward. Those  
11 two things were, one, opening the procurement up to  
12 legal challenge and, two, having the pricing be so  
13 high that it put our small businesses in New York  
14 City out of business. If either of those two things  
15 happened, then the other 13 things that we wanted out  
16 of Commercial Waste Zones, we would not get the  
17 benefit of because it undermines the entire program  
18 so you may disagree with the weight that I decided to  
19 put on pricing, but my rationale for doing it was we  
20 could not put additional burdens on small businesses  
21 in a way that would jeopardize the other intent of  
22 the law. I'm happy to say I feel really good about it  
23 because I think we succeeded on the pricing. As I  
24 mentioned in my testimony, in 18 out of the 20 zones,  
25 prices decreased for small businesses.

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CHAIRPERSON ABREU: Since we're there now, I know that two of the zones that were above the rate cap are actually in my District, Washington Heights and the West Bronx. Why were they subjected to those increases? I know you say it's only in the single digits. How much in the single digits and, again, why are they being subjected to that price cap compared to other neighborhoods?

COMMISSIONER TISCH: The reason why they are subject to it is for them, the 40 percent pricing wasn't high enough to overcome how well the top bidders did on the other categories, and that's why I say that coming up with the percentages of how much each thing was going to be weighted is an art and not a science so I have here the two zones where the maximum rates increased. It was 5 percent in Bronx West and 2 percent in Upper Manhattan. I do want to say this, though, like the current BIC rate cap, these are maximum allowed rates, and businesses may continue their practice of negotiating for lower rates as carters compete against one another within their award zone, but I think had we not put price at 40 percent, it wouldn't have been just two zones in

1 the city where maximum prices went up. It would have  
2 been citywide.  
3

4 CHAIRPERSON ABREU: Is there a world where  
5 those two zones can see rates go down relative to the  
6 other zones?

7 COMMISSIONER TISCH: Not contractually.  
8 However, as I mentioned, businesses in each of the  
9 zones may negotiate with carters for better rates,  
10 and this is a standard practice today so I don't want  
11 to give the impression that this necessarily means  
12 that businesses in those two zones will all be paying  
13 the highest prices in the city for carting of their  
14 waste. It does mean that the three awardees in those  
15 zones each had a maximum price above the current BIC  
16 rate cap before it's adjusted.

17 CHAIRPERSON ABREU: With respect to safety  
18 records, one of the main goals of this legislation  
19 was to weed out bad actors and ensure compliance with  
20 labor laws and safety and environmental regulations.  
21 However, some of the carters selected have histories  
22 of labor violations, unsafe driving, mismanaged  
23 facilities, etc., while some companies with cleaner  
24 records were not selected. How do you account for  
25 this?



1  
2                   COMMISSIONER TISCH: Well, as you  
3 mentioned in your testimony, there were 14 different  
4 goals of this legislation so, when we administered  
5 the RFP, we accounted for and scored for each of the  
6 14 goals. When you're trying to balance so many  
7 benefits, it's not as clean or straightforward as  
8 when you're trying to like two goals, for example. If  
9 safety was one of two things that this Council was  
10 looking to get out of this program and on which we  
11 were going to score, you may have seen very different  
12 results but, at the end of the day, the Council  
13 required us to score based on 14 different factors,  
14 and we had an objective group of many City employees  
15 do the scoring, and that's how it came out.

16                   CHAIRPERSON ABREU: If you have group A,  
17 let me just actually go into examples. Could you  
18 please provide the following data with regards to  
19 each awardee, and perhaps BIC could help here if DSNY  
20 doesn't have this information. Could you please  
21 provide the following data with regard to each  
22 awardee? The number of Notice of Violations issued,  
23 how many accidents and collisions reported, some of  
24 fines outstanding and some of fines paid.

1  
2                   COMMISSIONER TISCH: BIC will have to do  
3 that as we have not yet started to regulate this  
4 industry. Our regulation starts when the first zone  
5 goes on, so Commissioner Crotty can provide that  
6 information for you.

7                   COMMISSIONER CROTTY: Yes. For the Fiscal  
8 Year to date, we have had 200 violations. 37 percent  
9 have been in quality of life, which includes dirty  
10 vehicle container, overload truck, and load not  
11 secure, 25 percent have been in safety, which is the  
12 convex mirror daily vehicle inspection reports, and  
13 the third is 24 percent have been in commingling so  
14 that's for year to date. I do have from 2022 to 2024,  
15 the number is 308 collective NOVs. I don't have them  
16 broken down in percentages as I do for the Fiscal  
17 Year to date, but we've collected over 800,000  
18 dollars in fines, and the crashes have been trending  
19 down for the year.

20                   CHAIRPERSON ABREU: Cogent Waste Solutions  
21 was awarded four zone contracts, three of which cover  
22 a substantial part of Brooklyn. BIC has alleged that  
23 Cogent has overcharged customers, falsified business  
24 records, and failed to provide employment  
25 disclosures. The company faces nearly 50 million in

1  
2 fines. Cogent is also under investigation for a fatal  
3 accident, which occurred in January this year during  
4 which a Cogent driver allegedly made a U-turn then  
5 hit and killed a driver in South Brooklyn. Claims  
6 against Cogent contain the highest number of separate  
7 counts of any of the violations listed in BIC's  
8 public database. What is the communication with Bic?  
9 Why was Cogent picked is my first question? Second,  
10 given its history of these violations and that other  
11 carters with cleaner records were not selected, what  
12 is the main reason that accounts for this?

13           COMMISSIONER TISCH: The main reason that  
14 accounts for this is that in the legislation of 2019,  
15 the Council gave the Department of Sanitation 14  
16 factors on which to evaluate carters, not just one or  
17 two. We did that evaluation for dozens of responses  
18 to our RFP, and the results were what the scores  
19 dictated.

20           CHAIRPERSON ABREU: If you have a carter  
21 who does not have these violations, shouldn't they be  
22 graded higher than those that have those violations?

23           COMMISSIONER TISCH: Absolutely, on each  
24 of those 14 factors. For example, just going back,  
25 they would likely have done better on number two,

1  
2 their compliance history, but that is one of 14  
3 factors that you had us evaluate carters on.

4 CHAIRPERSON ABREU: Thank you. What did  
5 Cogent promise in its response to the RFP that  
6 countered its poor track record?

7 COMMISSIONER TISCH: As part of the RFP  
8 process, one of the things that each carter had to  
9 submit was a health and safety plan. This is one  
10 carter's health and safety plan. They're quite large.  
11 Importantly, everything submitted as part of the  
12 health and safety plans becomes a provision of our  
13 contract, meaning if you submitted it as part of your  
14 health and safety plan, we are contractually holding  
15 you to it so I don't have right here the details of  
16 Cogent's specific health and safety plan, but I am  
17 happy to provide that to you.

18 CHAIRPERSON ABREU: I mean, today was the  
19 day to have that information. My understanding is  
20 that the RFP process has concluded, is that right?

21 COMMISSIONER TISCH: Yes, the RFP process  
22 has concluded and, as I mentioned, I am quite happy  
23 to get you Cogent's health and safety plan as well as  
24 the dozens of other health and safety plans submitted  
25 by the awardees.

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CHAIRPERSON ABREU: And will we also have access to how they were graded on each of those 14 factors?

COMMISSIONER TISCH: Are we able to give the grading?

We're going to work with the Council to try to provide that information to you.

CHAIRPERSON ABREU: Thank you, Commissioner. What was the communication like with BIC and DSNY in terms of when it made these awards?

COMMISSIONER TISCH: We had a representative from BIC who served on the Vendor Selection Committee so it was a joint DSNY/BIC committee.

CHAIRPERSON ABREU: How does DSNY plan to ensure commercial waste services are provided if Cogent were to lose its license or cannot continue to operate because of the cost of the penalties that it will owe?

COMMISSIONER TISCH: So we have no indication at this time that Cogent will not continue to be able to operate, but our agreements with each carter give us the power to assign a new carter as

1  
2 needed should any carter in that zone fail to be able  
3 to fulfill their responsibilities.

4 CHAIRPERSON ABREU: Can you give me an  
5 example?

6 COMMISSIONER TISCH: Well, it hasn't  
7 happened yet, but as an example, if Cogent wasn't  
8 able to participate in a zone, the contracts give  
9 DSNY the authority to select a new carter to come  
10 into that zone so that zone isn't down a carter.

11 CHAIRPERSON ABREU: It is our  
12 understanding that Cogent's contract with DSNY  
13 includes a monitoring mechanism. I understand Mr.  
14 Walter Mack is a partner at the law firm known as  
15 Doar, Rieck, Kaley, and Mack. I may have  
16 mispronounced that. My apologies for that. In  
17 appointing Mr. Mack as the independent monitor over  
18 Cogent, did DSNY receive assurances from his law firm  
19 that there is a zero chance of conflict of interest?

20 COMMISSIONER TISCH: I want to say a few  
21 things about it. First, we wrote into the contracts  
22 the ability for us to assign a monitor to a carter if  
23 needed, and that was quite important to me because  
24 while we have a great staff on our commercial waste  
25 team, I thought in advance that there were things

1  
2 that might come up that would require an extra level  
3 of like day-in and day-out scrutiny, and so that was  
4 a very important addition that we included in each of  
5 the contracts that we awarded. We had members of both  
6 DSNY, our General Counsel, Bob Orlin, our Counsel,  
7 Ethel Corcoran, as well as the General Counsel of the  
8 Business Integrity Commission interviewed Mr. Mack. I  
9 know that the Business Integrity Commission has done  
10 work with Mr. Mack previously, and he has had a  
11 number of very relevant assignments in terms of being  
12 a monitor for similar type businesses in this  
13 industry.

14 CHAIRPERSON ABREU: Can you speak to the  
15 assignments that would make him a subject matter  
16 expert on this?

17 COMMISSIONER TISCH: Sure. Do you want to  
18 do that, Bob, or do you want me to do it?

19 COMMISSIONER CROTTY: If I may just jump  
20 in, Doar, Mack, Rieck, and Kaley, they were on a pre-  
21 list at BIC, a pre-vetted list, and have served as  
22 monitors before in the trade waste industry.

23 CHAIRPERSON ABREU: Would you happen to  
24 know if we received assurances from his law firm that  
25

1 there is no conflict of interest here or received any  
2 assurances that Mr. Mack himself?  
3

4 COMMISSIONER TISCH: Yes, we did. We spoke  
5 to him, and the firm did a conflict-of-interest  
6 check, and there are no conflicts of interest.

7 CHAIRPERSON ABREU: Great. All right.

8 Moving on to more questions about the monitor, I'm  
9 curious to know, what is the monitor going to be  
10 looking at? What metrics will the monitor use to make  
11 sure that folks like Cogent are actually complying?

12 COMMISSIONER TISCH: Yeah. The monitor, as  
13 I mentioned, was assigned right, really when we were  
14 making the awards. We made the assignment back in  
15 January, and it was as a result of BIC's announcement  
16 of a record number of notices of violation against  
17 Cogent. I think it was something like 4,900 for  
18 administrative things, overcharging, that type of  
19 thing. I don't want to speak for BIC but, when we saw  
20 that come out, we immediately sent Cogent and another  
21 company that Cogent has a 50 percent stake in a  
22 letter saying that we would require that they bring  
23 on a monitor. That monitor, obviously, will look at  
24 those administrative issues but, as I mentioned in my  
25 testimony, can look at anything in terms of the



1  
2 company's compliance with local, state, federal laws  
3 and any regulations and, importantly, any rules that  
4 we have promulgated around commercial waste and  
5 provisions in their contracts.

6 Which agency will house the monitor? Is  
7 that DSNY?

8 COMMISSIONER TISCH: Yes.

9 CHAIRPERSON ABREU: And is there a point  
10 at which the monitorship will end?

11 COMMISSIONER TISCH: We have not stated a  
12 point at which the monitorship will end, and I don't  
13 have a date at this time.

14 CHAIRPERSON ABREU: And is Cogent the only  
15 carter that has a monitor subject to it?

16 COMMISSIONER TISCH: No. As I mentioned,  
17 we have required that two different companies have  
18 monitors assigned to them, Cogent and NYRS.

19 CHAIRPERSON ABREU: Thank you. I would  
20 also like to recognize my other Colleagues who are  
21 present with me here today, Council Members Banks,  
22 Vernikov, Paladino, and Zhuang.

23 Action Carting won commercial waste on  
24 contracts in every zone of the Bronx, Brooklyn, and  
25 all but one in Manhattan. Action Carting allegedly

1 killed five pedestrians or cyclists from 2008 to  
2 2017, and federal data shows the company has, over  
3 the last two years, been involved in crashes that  
4 injured 18 people in just two years. That's an  
5 astronomical figure. Given these circumstances, how  
6 is it that Action earned itself so many of the CWZ  
7 contracts, and why aren't they subject to a monitor?  
8

9 COMMISSIONER TISCH: As I mentioned, there  
10 were 14 different factors that we weighted and  
11 scored, 14 different things that this Council and  
12 DSNY wanted out of the Commercial Waste Zone program.  
13 Safety, of course, is a very important one, and  
14 safety was included in our evaluation as part of two  
15 of the three different categories but, when we put  
16 price in, the scores were the scores. I do have a  
17 safety plan for Action as well as, obviously, for  
18 Cogen, as I mentioned, and I'm also happy to provide  
19 that health and safety plan to you following this  
20 hearing.

21 CHAIRPERSON ABREU: All right. Let me go  
22 into another set of questions before I let my  
23 Colleagues ask some of their very important  
24 questions.  
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2                   With respect to subcontractors, some  
3 carters, which are now awardees, have indicated they  
4 would perform their contract through subcontractors.  
5 Do we know, and if you do have that information, who  
6 are the subcontractors who are performing the work in  
7 Queen Central?

8                   COMMISSIONER TISCH: So what you're  
9 referencing is, as part of our agreements, each  
10 carter in each zone is allowed to bring on two  
11 designated carters so two subcontractors to perform  
12 collection within the zone. I want to be very clear  
13 that those subcontractors are subject to the very  
14 same rules that the awardees are subject to meaning,  
15 if a subcontractor is operating within a zone, they  
16 will not be able, on that same route, to go across  
17 zone lines, but what it means is, in a single zone,  
18 instead of having only three companies collecting the  
19 waste, you may have up to nine. Importantly, also in  
20 our agreements, DSNY has the ability and the  
21 authority to review and approve of any and all  
22 subcontractors, and the carters in many zones have  
23 made proposals to us, and we are in the process now  
24 of reviewing them.

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CHAIRPERSON ABREU: Do we know who the subcontractors are for Queens Central?

COMMISSIONER TISCH: As of now, we have not yet approved any subcontractors, but certainly Queen Central, the subcontractors proposed there are on the top of our list for review and approval.

CHAIRPERSON ABREU: When will DSNY make decisions about those?

COMMISSIONER TISCH: This month.

CHAIRPERSON ABREU: This month. Okay. You also just said in your testimony that subcontractors will be subject to the same routes so they can't cross over into other zones.

COMMISSIONER TISCH: They can't cross into other zones.

CHAIRPERSON ABREU: They can't.

COMMISSIONER TISCH: They cannot.

CHAIRPERSON ABREU: Okay, and is that subject to your policy or is that subject to CWZ law?

COMMISSIONER TISCH: I believe it's subject to CWZ law, but it is also written into our contracts.

1  
2 CHAIRPERSON ABREU: Okay, and if it isn't,  
3 it's something we can explore for legislation,  
4 potentially.

5 Does DSNY assess subcontractors based on  
6 the same 14 factors as it is required to do with  
7 carters who are now awardees?

8 COMMISSIONER TISCH: Bob, do you want to  
9 go through the review of the subcontractors?

10 DEPUTY COMMISSIONER ORLIN: The  
11 subcontractors are not reviewed the same way the  
12 awardees are because the awardees were awarded  
13 contracts to collect commercial waste based on the  
14 detailed criteria that the Commissioner just went  
15 through with you, the 14 factors. The primary issue  
16 that the subcontractors will be vetted on will be  
17 honesty, integrity, good character, and we'll look at  
18 their records, but we're not looking at prices.  
19 Obviously not relevant. The price is set by the  
20 carter, the awardee, and the subcontractor has to  
21 charge no higher than what the awardee can charge.

22 CHAIRPERSON ABREU: I understand the part  
23 about the rate cap is already in the contract between  
24 DSNY and the prime, and therefore price is perhaps  
25

1  
2 not of a legal moment, but with respect to routing  
3 and other issues, what are we doing?

4                   COMMISSIONER TISCH: I think what you're  
5 getting at is will their compliance history be  
6 reviewed as part of the approval process, and the  
7 answer is of course.

8                   CHAIRPERSON ABREU: And it's also fair to  
9 say that the same 14 factors don't necessarily apply  
10 to subcontractors like they do to...

11                   COMMISSIONER TISCH: Some automatically  
12 apply so, as Bob mentioned, the subcontractor's  
13 maximum rate is set by whichever awardee they're  
14 subcontracting to, whatever their submission was.  
15 Health and safety plans, like those types of things,  
16 they apply to the subcontractor.

17                   CHAIRPERSON ABREU: And is price and  
18 safety the only two factors of the 14 that are  
19 applied to subcontractors and the others aren't? I'm  
20 just trying to get a sense of which factors apply and  
21 which don't.

22                   COMMISSIONER TISCH: No, it's not just  
23 price and safety, and we can get you the full list of  
24 what would apply and what wouldn't.

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CHAIRPERSON ABREU: That would be helpful.

Thank you.

How is DSNY assessing the safety and compliance records of subcontractors, and are the subcontractors for Queens Central in the process of conducting worker safety trainings? My guess is that worker safety training hasn't happened because you haven't decided on who the subcontractor will be yet, but we're only a few months away from the first zone, so that brings me some concern that we're not doing safety work.

COMMISSIONER TISCH: No, it shouldn't bring you concern. The first zone starts on January 2nd, so we are right on schedule where we plan to be.

CHAIRPERSON ABREU: Okay. You may have answered this briefly, but can you touch on how DSNY is assessing the safety and compliance records of subcontractors?

COMMISSIONER TISCH: As part of our review of subcontractors, safety and compliance will be among the factors that we look at.

CHAIRPERSON ABREU: And are there also considerations for fleet modernization, labor

standards, and environmental impact for the subcontractors as well?

COMMISSIONER TISCH: Yes.

CHAIRPERSON ABREU: One of the selected carters, Recycle Track Systems, is not a carter at all, but a broker. How could a broker, which subcontracts to other businesses, display compliance with all the requirements for companies selected in the RFP?

DEPUTY COMMISSIONER ORLIN: The Commercial Waste Zone law specifically allowed brokers to submit proposals. Recycle Track System has proposed three carters that have experience in the industry. The Department will carefully vet those three carters to make sure they comply with all the requirements in the Commercial Waste Zone law rules and the agreement.

CHAIRPERSON ABREU: Can subcontractors have a contract in more than one zone?

COMMISSIONER TISCH: Yes, they can but, as I mentioned, there have to be separate truck routes so, on a single route, they cannot cross zone lines, but a single subcontractor can work as a subcontractor in multiple zones.



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CHAIRPERSON ABREU: And this is a hypothetical, my next question, will a subcontractor be permitted to continue providing services in a particular zone if the awardee that the subcontractor works under is for some reason disqualified from providing CWZ services?

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COMMISSIONER TISCH: So the subcontract is to the awardee so, if the awardee is disqualified under the CWZ law, we can appoint a replacement. That replacement may choose to use the same subcontractor or may not.

13

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CHAIRPERSON ABREU: And it's a hypothetical but, in terms of replacement, what would be the factors considered there?

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COMMISSIONER TISCH: If we had to replace a carter?

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CHAIRPERSON ABREU: A subcontractor.

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COMMISSIONER TISCH: A subcontractor.

CHAIRPERSON ABREU: Well, if for whatever reason, if an awardee loses this contract, that would therefore disqualify the subcontractor, I guess, yeah, what factors would go into account in the replacement prime contractor?

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2                   COMMISSIONER TISCH: Bob, can you speak  
3 about what's contemplated?

4                   DEPUTY COMMISSIONER ORLIN: Yes. What our  
5 agreements with the carters contemplate looking at  
6 their financial ability, their capacity to take on a  
7 different zone, their prior operations if the  
8 commercial waste program had started, their prior  
9 compliance history if it hasn't, so we're looking at  
10 any factor the Department thinks is relevant, but we  
11 want to make sure that any carter that is given a new  
12 zone has the ability, the trucks, the personnel to do  
13 it and want to make sure that if they've been  
14 operating in the Commercial Waste Zone program, the  
15 customers have said satisfactory things about them  
16 and service has been proper and good.

17                   CHAIRPERSON ABREU: All right. My next set  
18 of questions, and then I will turn it over to Council  
19 Member Carr but, before I do that, worker safety was  
20 one of the greatest motivators for the passage of  
21 Local Law 199 of 2019, and the safety of pedestrians,  
22 cyclists, and other drivers is just as important.  
23 This is a question for BIC. What is the threshold of  
24 revoking a license? I mean, you consider the history  
25 of violations that Cogent engaged in, which thereby,

1  
2 in a way, it puts Cogent as part of this universe  
3 that DSNY has to consider. What threshold does it  
4 take to revoke a license?

5 COMMISSIONER CROTTY: Well, in the past 15  
6 years, we've revoked four licenses. We've denied 150.  
7 Again, we have a renewal process every two years so  
8 the mechanism that the agency usually uses is a  
9 denial. The listing for the denial is in our Code and  
10 our Rules. Generally, those denials stem from  
11 criminal complaints and/or lying to the Commission  
12 under sworn testimony, but it's really on a case-by-  
13 case basis.

14 CHAIRPERSON ABREU: All right, so let's  
15 talk about case-by-case basis. Why not? Why wasn't  
16 Cogent's license revoked given his history of  
17 violations?

18 COMMISSIONER CROTTY: Well, I mean, that's  
19 always the balance you have to have as a regulator to  
20 protect the industry and protect the customers, and  
21 that's why we have done the investigation and the  
22 audit and had an outstanding NOV, which I can't  
23 discuss because it is still open. But, since it is  
24 still open and has not been litigated, I can't  
25 comment directly on that.

1  
2 CHAIRPERSON ABREU: Is there a threshold  
3 for revoking a license? I mean, if an awardee is  
4 involved in six fatal accidents in one year, I mean,  
5 what would happen then?

6 COMMISSIONER CROTTY: Well, again, it's a  
7 denial more than a revoking, but the thing is that  
8 the companion law to Local Law 199 was 198, which is  
9 safety, which sets out lots of the standards that we  
10 look at in terms of safety so, after every crash, we  
11 respond to every crash with the NYPD collision  
12 Inspection Squad. We then do truck and garage  
13 inspections after and, since I've become Commissioner  
14 and Chair, we've had two people in our agency  
15 certified in the Motor Carrier Training Safety so  
16 truck safety is something we take very seriously, and  
17 we look at it, but those are some of the factors that  
18 go into looking at all of these things. Before the  
19 198 of 2019 went into effect in '21, that's when  
20 safety really became paramount, and we look over all  
21 of those factors after every incident.

22 CHAIRPERSON ABREU: Is it fair to say that  
23 Cogent has 50 million in fines?  
24  
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2                   COMMISSIONER CROTTY: Again, that's an  
3 open Notice of Violation, so I really can't comment  
4 on it.

5                   CHAIRPERSON ABREU: I mean, today's the  
6 day for it, right? I mean, this is something that has  
7 happened for many years and, again, we're creating a  
8 universe of applicants that DSNY is required to  
9 consider because BIC did not revoke its license. I  
10 mean, I'll frame it in an easier way. What about if  
11 there's three fatal accidents in one year, then what  
12 would happen then?

13                   COMMISSIONER CROTTY: Well, we would look  
14 at each accident. We would consider maybe a safety  
15 monitor, look at their safety records. We would audit  
16 their safety records. We take these things very  
17 seriously, and we would give a full investigation of  
18 the company and what it looks like. The reason I  
19 can't talk about Cogent specifically today, though,  
20 is because it's still an open Notice of Violation. If  
21 it was not still an open Notice of Violation, I'd be  
22 happy to discuss the ins and outs.

23                   CHAIRPERSON ABREU: Can you speak to the  
24 number of violations that have been settled? What  
25 number is that?

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2                   COMMISSIONER CROTTY: Yeah, what we did do  
3 since getting there, we have bifurcated our  
4 Violations Unit so now we have a Violations Unit. We  
5 have redone our penalty schedule so we've increased  
6 the penalties. The average penalty now is 2,000  
7 dollars for people, so we really have taken a  
8 wholesale look at that and made that much more of a  
9 priority in the regulation of the...

10                   CHAIRPERSON ABREU: Can you speak to how  
11 much of the violations were settled and how many are  
12 outstanding?

13                   COMMISSIONER CROTTY: I'm going to have  
14 Nicole Mathias, our Director of Policy, speak to  
15 that.

16                   DIRECTOR MATHIAS: Sure. Since we're an  
17 ongoing regulator of these companies, it's not a one-  
18 off the way other agencies you might think of their  
19 process, so it's looking at the compliance of the  
20 whole company. Now, as the Commissioner said, we have  
21 this Violations Unit so often our goal is to reach a  
22 settlement and, of course, collect whatever fine is  
23 appropriate, but working with these companies to get  
24 them into compliance, whether that's submitting the  
25 records, maybe the violation was for not submitting a

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2 record, maybe if they do submit it, the fine might be  
3 a little lower in that case, but it's really about  
4 working with these companies over the long term and  
5 over that two-year process so we don't consider  
6 settling of the violation necessarily a negative  
7 outcome.

8 CHAIRPERSON ABREU: I've been told that  
9 there have been settlements of violations. Is it fair  
10 to say that there haven't been any settlements then?

11 COMMISSIONER CROTTY: No, there's been  
12 lots of settlements of violations.

13 CHAIRPERSON ABREU: And why can't we  
14 disclose the number of settlements there have been  
15 for the number of violations and how many are  
16 outstanding? The public is asking why is it that the  
17 Business Integrity Commission has not revoked  
18 licenses for operators who have engaged in harmful  
19 behavior to the public?

20 COMMISSIONER CROTTY: Well, in year-to-  
21 date, we have issued over 1,300 violations. Over  
22 1,000 of those have been settled.

23 CHAIRPERSON ABREU: Is this for Cogent? My  
24 question is specifically for Cogent.

COMMISSIONER CROTTY: We're in the process of doing that.

CHAIRPERSON ABREU: I've been told there have been settlements already for certain violations for Cogent. I would like to know what number of violations have been settled.

COMMISSIONER CROTTY: Well, in 2022, we had an investigation. There was a settlement in January '23 for 500,000 dollars, then we had an audit, which was started based on that, on customer complaints, and now we have an additional violation, which is still an open violation, which is why I can't talk about it, but this is a company we have put a lens on. They've put themselves under our lens, and it's something that we take very seriously and we are working hard. That's part of the balance of being a regulator, is to regulate the activity to keep them in business or make the determination that they should not be in business. That's the role of the regulator. That is an ongoing situation. It is still ongoing. It is nothing that we have taken lightly. Again, the 2022 violation of 500,000 dollars was the largest violation to date of the Business Integrity Commission that was settled in January of '23.



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2           CHAIRPERSON ABREU: And 500,000, was that  
3 for one violation or how many of the entire  
4 violations that were issued to Cogent?

5           COMMISSIONER CROTTY: That was a failure  
6 to disclose pertinent information based on customer  
7 complaints. I believe there was 1,000 violations.

8           CHAIRPERSON ABREU: So the 500,000 were  
9 for 1,000 violations?

10          COMMISSIONER CROTTY: Yes.

11          CHAIRPERSON ABREU: And what's the  
12 outstanding number of violations that are part of  
13 ongoing negotiations?

14          COMMISSIONER CROTTY: Well, that's part of  
15 the Notice of Violation that we have open right now.

16          CHAIRPERSON ABREU: What's the total of  
17 the, because I got the 50 million dollars from  
18 somewhere, so is it fair to say that...

19          COMMISSIONER CROTTY: I believe it's 47  
20 million.

21          CHAIRPERSON ABREU: Okay, so 500,000 was  
22 settled. There's another 40-something million to go,  
23 or maybe it doesn't work that way, but you speak to  
24 that.

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2                   COMMISSIONER CROTTY: I think some of the  
3 counts, as with criminal counts, they are individual  
4 acts but they are duplicative of certain behaviors.  
5 That's why we are in the process of litigating this  
6 but, again, this is something we take very seriously.  
7 We do not tread lightly, and it's the balance of the  
8 regulator.

9                   CHAIRPERSON ABREU: It's hard for me to  
10 come away with this, that BIC is taking this  
11 seriously given the history of violations here. You  
12 mentioned in your testimony that there were four  
13 instances where licenses were revoked. Can you speak  
14 to those instances and how they pair with Cogent's  
15 situation?

16                   COMMISSIONER CROTTY: No one has been  
17 revoked since I have started. The last revocation, I  
18 believe, was before the pandemic in, 2018, it was  
19 Salvation Salvage. Again, the mechanism the  
20 Commission uses is denials, not revocations.

21                   CHAIRPERSON ABREU: There seems to be a  
22 lot of inactivity at BIC, if there's only been a  
23 revocation of a license in the past five years.

24                   COMMISSIONER CROTTY: I would counter  
25 that, that we've had 150 denials over the past 15

1  
2 years. We are a very active Committee and Commission  
3 that takes safety and trucking very seriously, and we  
4 are very active in making it safe.

5 CHAIRPERSON ABREU: I'll turn it over to  
6 Council Member Carr for questions.

7 COMMISSIONER TISCH: Chair, could I just  
8 add something to that discussion? Because I would  
9 just note under the Commercial Waste Zone paradigm,  
10 while it is the case that we had to review the  
11 submissions of any proposer that had an active BIC  
12 license, the good news here is that under this  
13 program, we at the Department can terminate any  
14 contract for material breach and, if there were a  
15 number of fatalities where the driver of the company  
16 was found to be at fault, that would absolutely  
17 constitute a material breach of the awardee's  
18 contract, and we would terminate the contract.

19 CHAIRPERSON ABREU: I understand that you  
20 have within the contract remedies in place to  
21 terminate, but we should be looking in the first  
22 instance, why are we giving licenses in the first  
23 place to folks or not denying licenses to folks who  
24 are engaging in this pretty reckless behavior.

1  
2 I'll turn it over to Council Member Carr  
3 for his set of questions.

4 COUNCIL MEMBER CARR: Thank you, Chair.  
5 Commissioners, good to see you both. A pleasure as  
6 always.

7 I want to focus a little bit on the  
8 Staten Island zone as you might expect. We had three  
9 awardees in that zone, only one of which, Green  
10 Environmental, is a Staten Island-based company. The  
11 other two carters are not borough-based in that zone,  
12 and one of which is Cogents which we've been talking  
13 about a lot at this hearing, and so I'm just  
14 wondering is there a willingness on the part of the  
15 agency and a legal capacity, as you understand it,  
16 under the local law, to reconsider reopening the RFPs  
17 on a zone-by-zone basis?

18 COMMISSIONER TISCH: No, there's not. That  
19 is my understanding. However, I mentioned this  
20 before, maybe before you got here. The contracts that  
21 we have awarded give each awardee the ability to  
22 bring on two subcontractors to operate within their  
23 zone so each of the three Staten Island awardees can  
24 bring on two additional carters, and perhaps those  
25 will be more local carters so instead of three

1  
2 carters operating in each zone, it will really be  
3 nine, but the subcontractors will be held to the same  
4 terms and conditions of the awardees.

5 COUNCIL MEMBER CARR: And that's something  
6 that's brought to you by the original awardees,  
7 right? They would have to initiate the agreement with  
8 the potential sub and then bring to you for approval?

9 COMMISSIONER TISCH: That is correct.

10 COUNCIL MEMBER CARR: So is that something  
11 they could do on a rolling basis based on their..

12 COMMISSIONER TISCH: That is correct. They  
13 cannot exceed two, but they could replace one. For  
14 example, if they had two and they wanted to replace  
15 one, they could do that subject to our approval.

16 COUNCIL MEMBER CARR: And I think you  
17 mentioned earlier that you're maybe about a month  
18 away from the approval of some subcontractors. Could  
19 you let us know what the state is of that as it  
20 pertains to the Staten Island franchise area?

21 COMMISSIONER TISCH: We're starting, as I  
22 mentioned, with Queens Central, which will be the  
23 first zone to go online but, absolutely, as the  
24 Staten Island stuff begins, I'm happy to let you know  
25 timeline.

1  
2 COUNCIL MEMBER CARR: Yeah, that'd be  
3 appreciated because I think we have local businesses  
4 who used to do this work at one point and now, from  
5 their perspective, they're out of the game and, if  
6 they have an opportunity to at least be considered,  
7 then I think that there's a way for people to be  
8 partners in this enterprise.

9 COMMISSIONER TISCH: And I encourage those  
10 local businesses to work with Cogent Green and  
11 Priority to develop subcontract agreements.

12 COUNCIL MEMBER CARR: Okay. Based on some  
13 of the questions that the Chair was alluding to and  
14 some of the issues with, in particular, to Cogent, do  
15 you have concerns about their ability to meet the  
16 terms of the contract at this point in time?

17 COMMISSIONER TISCH: I can tell you if  
18 they don't meet the terms of their contract, I will  
19 terminate their contract quite quickly, and that  
20 doesn't just go for Cogent. That goes for any carter.  
21 I have been and Frank, who runs our Bureau of  
22 Commercial Waste, has been very clear with all of  
23 these carters that there is a new sheriff in town,  
24 and we take our new responsibility to regulate the  
25

1 commercial waste industry and the Commercial Waste  
2 Zone participants quite seriously.

3  
4 COUNCIL MEMBER CARR: Okay. Well, I  
5 appreciate your answers. Just in closing, I'll just  
6 say, I think that this is an opportunity to make sure  
7 that you have the flexibility you need under this  
8 local law as it comes into operation, and I know that  
9 everyone on this dais is willing to be partners in  
10 helping you make it work as best as possible.

11 COMMISSIONER TISCH: Thank you, as always.

12 COUNCIL MEMBER CARR: Thank you. Thank  
13 you, Chair.

14 CHAIRPERSON ABREU: Council Member Nurse.

15 COUNCIL MEMBER NURSE: Thank you, Chair. I  
16 don't have too many lines of questions about the  
17 zones. I'll ask some questions about my bill, but I  
18 just want to say that I do recall we had a briefing  
19 about the zones, and I think the Borough President  
20 was there, and we asked is this constellation of  
21 awardees one that we could stand behind and feel like  
22 this is solid and you said yes and so to see this  
23 come out of that process with Cogent and the need for  
24 a monitor is a little bit of a blow to that  
25 statement. However, I'm very glad to hear you say

1 that you will confidently terminate anyone that is  
2 not meeting the terms of the contract, is not  
3 compliant with safety standards, and that you are  
4 exercising the monitor to hold people accountable.  
5 There were good players who didn't make it who had  
6 better records and, unfortunately, we see folks who  
7 don't have great records here so we need to make sure  
8 that they are held accountable and change actions or  
9 get them out of there because we don't want to  
10 undermine the whole intention of this bill so I won't  
11 go more into that.

12  
13 I do want to just clarify our  
14 infrastructure bill. We actually thought of this bill  
15 with a lot of stakeholders very early on in our term,  
16 because we knew that the curbside collections program  
17 would be coming. Collections is hugely important. We  
18 want to have a redundancy of ways that people can  
19 actually do that. Let's integrate it more seamlessly  
20 into everyday life, but the processing piece was  
21 always going to be a piece that we needed to also  
22 consider. Anaerobic digestion is going to play a  
23 large role, but it can't play the only role. It's  
24 extremely expensive. It takes a long time to build  
25 more of these facilities. The pre-processing, the



1  
2 slurry-making is also extremely expensive, and we  
3 have to build that out. We are decades out from any  
4 of that happening as far as I know. Feel free to  
5 correct me if I'm wrong. We want to build resiliency  
6 in our waste system with lower cost facilities and  
7 more complex systems that are still being worked out.  
8 The pilot at Greenpoint is still being worked out. It  
9 works sometimes. It doesn't work sometimes at an  
10 additional cost. I know you can't speak for DEP, but  
11 it is a system that you're relying on for where this  
12 material is going so I just want to clarify that our  
13 bill says that as it's written, it will be no less  
14 than one facility in each borough so that doesn't  
15 preclude from looking at what you have, which is not  
16 as robust as where we would like to go, but it  
17 doesn't preclude you from looking at what is  
18 registered, permitted, or a community composter sized  
19 facility. We want to incorporate small, medium, and  
20 large. So that's one. Two, the cost, you talked about  
21 cost, but as I mentioned, to use the anaerobic  
22 digestion is also going to be a significant cost  
23 because you have to do the pre-processing, the  
24 slurry-making. That is a huge cost. I mean, I would  
25 love to hear the plans for growing that.

1  
2 Additionally, we talked about cumulative annual  
3 processing capacity so, again, we're looking at not  
4 just one site that's like five times the size of  
5 whatever you mentioned in your testimony, but across  
6 the borough, each one so the question I did have is  
7 you mentioned you have an RFP out to actively look to  
8 expand and diversify a processing of compostable  
9 material. Could you talk on the record what the scope  
10 of that looks like and what of that is localized, if  
11 anything, within the city?

12                   COMMISSIONER TISCH: Yes, we have an  
13 ongoing procurement that I would like and expect to  
14 see finalized before the next three boroughs come  
15 online in the fall. The procurement is intended to  
16 diversify both the type of beneficial use we have,  
17 between composting and anaerobic digestion. My hope  
18 is that it will make the balance more even than it  
19 currently is, but also where that material goes, so  
20 that we don't overburden one community with these  
21 trucks hauling organics, and so that is a bid process  
22 that is underway right now.

23                   COUNCIL MEMBER NURSE: So is any of that  
24 going to be localized here in the city or are you  
25 looking at regional or further, further upstate?

1  
2           COMMISSIONER TISCH: This is going to be a  
3 wholly unsatisfying answer to you, but I don't know  
4 at this time because it's still ongoing, but I do  
5 know your interest and concern about this so, as soon  
6 as that is finalized and clear, we will definitely  
7 reach out to you and let you know.

8           COUNCIL MEMBER NURSE: Okay, what do you  
9 think would be the appropriate tonnage capacity that  
10 is processed locally in the city?

11           COMMISSIONER TISCH: I don't want to say  
12 what an appropriate tonnage capacity is, but what I  
13 will say is we just made an enormous investment in  
14 increasing the processing capacity of our Staten  
15 Island compost facility, I think for food waste it's  
16 something by like 20 times, and I think that the  
17 model that we have with our recycling is unbelievable  
18 in New York City. It's like largely closed loop,  
19 because the recycling that we collect from New York  
20 City homes largely is like processed in and goes back  
21 into New York City. Obviously, that would be the  
22 ideal if we could just design it, no cost or anything  
23 involved, so I don't have a specific percentage,  
24 other than to say that I share with you that it would  
25 be very nice to be able to do a lot of the processing

1  
2 in New York City and that the Adams' Administration  
3 has really made significant investments to be able to  
4 do more processing within New York City.

5 COUNCIL MEMBER NURSE: Yeah, I would agree  
6 with that. I mean, I think the expansion of the  
7 Staten Island facility is wonderful, and it's welcome  
8 news, and I think that type of model is something  
9 that we'd like to see replicated where applicable and  
10 appropriate.

11 COMMISSIONER TISCH: Yes.

12 COUNCIL MEMBER NURSE: And so I'd love to  
13 sit down and talk with you about what that looks  
14 like, because I think it is important, not that we  
15 just separate, we agree the goal is to separate the  
16 food waste out of and organic waste out of the waste  
17 stream, but we also want to make sure that we are  
18 processing the material in the way that's most  
19 ecologically beneficial and that reduces harm as it's  
20 distributed, and I think compost itself has shown  
21 that and, not just from the perspective of the true  
22 believers as you all like to categorize the  
23 advocates, but it is something that people use here  
24 in the city. We've also raised with you the idea of  
25 helping some of these facilities generate revenue

1  
2 through the sale of this product, not just giving it  
3 away, but actually selling it as well as looking into  
4 the legality or trying to consider allowing some of  
5 these medium-sized facilities to actually charge for  
6 a commercial truck to tip so we can build in some  
7 revenue so that it's not all on the City to cover the  
8 costs, and I'd love to revisit that conversation with  
9 you at some point.

10           COMMISSIONER TISCH: Council Member Nurse,  
11 I would also add that as to that ongoing procurement,  
12 we put the bid out. We can't control who responds to  
13 the bid so to the extent that there were companies or  
14 organizations that responded to the bid that intend  
15 to process within New York City, of course, they will  
16 be considered among the bid but, if none did respond,  
17 we can't manufacture that. We can only work with the  
18 bids that we receive.

19           COUNCIL MEMBER NURSE: Are you saying that  
20 none have applied?

21           COMMISSIONER TISCH: I don't know, but I'm  
22 just making the point that we can only pick from the  
23 companies or the organizations that have submitted  
24 bids.

1  
2                   COUNCIL MEMBER NURSE: Thank you for that.  
3 Chair, just one last question. I'm so sorry. We  
4 wanted to revisit the conversation around a  
5 Commercial Waste Zone working group to bring together  
6 a coalition of partners to have just a guaranteed  
7 place to talk through unanticipated outcomes that  
8 come through this unprecedented change in the system.  
9 I saw in your testimony that you said you have the  
10 Safety Task Force working group, and I'd love to hear  
11 from your perspective, as things come up that are not  
12 just related to safety, do you think that would be  
13 appropriate space to discuss other things that come  
14 up such as environmental concerns, the general costs  
15 and the impacts of businesses, some of the challenges  
16 that carters may face?

17                   COMMISSIONER TISCH: I think we can see  
18 what comes up, but what I would say is I don't want  
19 to put in place a committee that gives some carters  
20 special access or ability to sway policy over others.  
21 This is a reasonable number of awardees that will now  
22 be the primes operating in the commercial carting  
23 business and, when I say reasonable number, it means  
24 that the Bureau of Commercial Waste at DSNY will be  
25 working with each of those awardees regularly, like

1  
2 on a first name basis. I am not worried about the  
3 one-to-one dialogue. However, it may be that it could  
4 come up that there are topics or issues that we want  
5 to have larger group conversations on and, for those,  
6 Frank Marshall, who is our Assistant Commissioner of  
7 Commercial Waste, would call a meeting of all of the  
8 carters, and he has already done that a few times  
9 where they've had group discussions, when we wanted  
10 to remind them that we were incredibly serious about  
11 our regulatory authority, and I anticipate that that  
12 will continue to happen. In my opinion, that is a  
13 better way of doing it than having a committee or a  
14 working group that gives certain carters more access  
15 than others.

16 COUNCIL MEMBER NURSE: So are you saying  
17 that when the Assistant Commissioner calls those  
18 meetings that you're bringing all the carters to the  
19 table or are you bringing some and not others?

20 COMMISSIONER TISCH: My point was Frank  
21 can have one-on-one meetings with carters and he can  
22 call group meetings of all of the carters. He has  
23 done both already and, in my opinion, that is a  
24 better way to proceed than having a standing  
25

1  
2 committee that gives certain carters more access than  
3 others.

4 COUNCIL MEMBER NURSE: Right. Just to  
5 clarify, also, the working group wouldn't just have  
6 carters. I think there's a way to get around that  
7 perception of favoritism at a practical level, but  
8 this is also environmental justice advocates, other  
9 people who were involved in pushing this legislation  
10 over the finish line and really shaping it so when  
11 you're having those conversations with just carters,  
12 to bring others into the conversation for that  
13 transparency and troubleshooting collaboration, I  
14 think it would be really important, regardless of  
15 what you feel about this bill, to make sure that that  
16 is a practice that comes into play, especially over  
17 the next two years.

18 COMMISSIONER TISCH: That point is very  
19 well-taken and appreciated and, regardless of where  
20 this specific bill goes, we will incorporate that  
21 feedback into our go-forward operating plans.

22 COMMISSIONER TISCH: Okay. Thank you,  
23 Chair.

24 CHAIRPERSON ABREU: Thank you, Council  
25 Member. I'll turn it over to our Brooklyn Borough



1  
2 President, the original author of the Commercial  
3 Waste Zones bill, a champion for worker rights, a  
4 champion for our environment, and looking forward to  
5 hearing your statement and also giving you the  
6 opportunity to ask questions as well.

7           BROOKLYN BOROUGH PRESIDENT REYNOSO:

8 First, I just want to thank you, Chair, for taking  
9 the time to have this hearing as it is deeply  
10 important, obviously to me, but I think for this City  
11 and your questions were amazing, and I'm just so glad  
12 that you've continued to champion and speak to this  
13 being a worker safety and environmental justice  
14 legislation, which is exactly what it was. After  
15 hearing testimony from DSNY today, it seems to have  
16 been a price reduction legislation more so than a  
17 worker safety legislation and environmental justice  
18 one, and I always say justice is not free. If we want  
19 to stop the water from flooding Manhattan, we're  
20 going to have to pay for a wall. That is going to  
21 cost something. It's not going to be free, but we  
22 need to do it in order to protect our futures, and it  
23 doesn't seem to be at the top of the agenda here for  
24 this Administration.

1  
2           As I was getting here, I just can't tell  
3 you how less frustrated and more sad over what I was  
4 hearing from DSNY today. I want to be very clear that  
5 Cogent was the poster boy as to why this legislation  
6 even needed to happen in the first place. The way  
7 they took care of their workers, or did not take care  
8 of their workers, the trucks being out of date and  
9 dangerous, the deaths that were being caused by the  
10 reckless driving, more due to the contracts and the  
11 routes that were set forth by Cogent and not the  
12 drivers, the complete disregard for local community  
13 where, for decades, the community was asking them to  
14 assist them with new gates, smell reduction or odor  
15 reduction work, and they just ignored them  
16 constantly, and that we would put this legislation  
17 forward specifically to address Cogent and that they  
18 would get a contract is beyond me. I just can't tell  
19 you how it undermines the work that we're trying to  
20 do, and for DSNY to allow for a contract to go  
21 forward to them just speaks to how little they care  
22 about what the core of the legislation was, which is  
23 the other 13 things outside of pricing that was  
24 important and how much they cared about pricing,  
25 which I also want to say, I would love to get that

1 information because we're making the assumption here  
2 that the reason Cogent was successful was solely  
3 because of pricing. We'd love to get the grading  
4 system so that we could see how low they proposed  
5 their costs to DSNY that made it so that another  
6 carter, maybe the next one in place was so much more  
7 expensive than Cogent that we couldn't choose them,  
8 so the frustration that I have is very high. I also  
9 want to say that I resent the idea that we weren't  
10 thoughtful about the timeline in which we wanted to  
11 implement CWZ and that you object to the thought that  
12 this is a delay in any way, shape or form. There's no  
13 one in this room that is in this business outside of  
14 DSNY that doesn't think that this has taken too long  
15 and the delays have been too long. There's no one.  
16 Carters, businesses, elected officials, advocates,  
17 it's taken too long, and the delay doesn't only come  
18 from the fact that we're just starting a pilot here  
19 on January 2nd. The idea of the plan was supposed to  
20 be full implementation of every single zone all  
21 together. It was part of the thinking that DSNY, the  
22 advocates, the carters, and we had all together that  
23 having no pilot, but the full implementation of the  
24 program would be the best way to go. The pilot  
25

1 program would actually could put it in jeopardy, the  
2 rest of it, so we had these thoughts so we're going  
3 to take much longer now for full implementation than  
4 we originally thought so there is a delay. I might  
5 not be the Borough President of Brooklyn by the time  
6 this is fully loaded, and it's sad. You guys might  
7 not be here. We will be talking about CWZ  
8 implementation still long after you're here, and I  
9 think that's unsatisfactory.

11 I would like to, if you would allow me,  
12 Chair, to ask a couple of questions.

13 CHAIRPERSON ABREU: Okay, you may.

14 BROOKLYN BOROUGH PRESIDENT REYNOSO: Thank  
15 you. The first one, it's to the cost savings. We  
16 thought about cost savings when we wrote the  
17 legislation. It didn't need to be 40 percent of the  
18 grading system. There's going to be efficiency in  
19 routes that made it so that they will be saving on  
20 fuel or reduction in vehicle miles traveled. There  
21 was a conversation about how long the contract would  
22 have to be so that these carters can plan and secure  
23 investment in a safe and secure way, and those are  
24 all the things that we took into consideration when  
25 we were talking about what the cost would be and, in

1  
2 our models, we had inconsequential costs and  
3 inconsequential increases in every single model we  
4 had for. That there might be increases, but  
5 inconsequential to the businesses that the carters  
6 will be providing, so for it to be 40 percent just  
7 really speaks to, again, I think the priority set  
8 forth by DSNY, not by the legislation. To BIC, when  
9 is Cogent's license up for renewal?

10 COMMISSIONER CROTTY: Again, that is  
11 pending right now while we're settling the NOV.

12 BROOKLYN BOROUGH PRESIDENT REYNOSO: So  
13 they're up for renewal now?

14 COMMISSIONER CROTTY: Yes.

15 BROOKLYN BOROUGH PRESIDENT REYNOSO: So  
16 Cogent is up for renewal now?

17 COMMISSIONER CROTTY: Yes.

18 BROOKLYN BOROUGH PRESIDENT REYNOSO: Okay,  
19 and so long as they pay previous violations, the  
20 previous violations are no longer used in  
21 consideration for revocation?

22 COMMISSIONER CROTTY: As I stated earlier  
23 in my testimony, we've only done four revocations in  
24 15 years. We've done over 150 denials.

1  
2                   BROOKLYN BOROUGH PRESIDENT REYNOSO: I  
3 misspoke.

4                   COMMISSIONER CROTTY: Sorry, sir.

5                   BROOKLYN BOROUGH PRESIDENT REYNOSO: So as  
6 long as they pay a violation, like 500,000 dollars,  
7 is that violation no longer used in consideration for  
8 their renewal?

9                   COMMISSIONER CROTTY: It's all in  
10 consideration. Currently, as I stated before, the  
11 Notice of Violation is open so I'm a little bit  
12 limited in what I can speak about today in terms of  
13 that violation.

14                   BROOKLYN BOROUGH PRESIDENT REYNOSO:  
15 Right, so just to put in perspective here, the  
16 largest payout to a violation in the history of BIC  
17 has been 500,000 dollars?

18                   COMMISSIONER CROTTY: Yes.

19                   BROOKLYN BOROUGH PRESIDENT REYNOSO: And  
20 Cogent is the payer of that violation?

21                   COMMISSIONER CROTTY: Yes.

22                   BROOKLYN BOROUGH PRESIDENT REYNOSO: Okay.  
23 That would, to just regular old folks like us at this  
24 dais, would be a very significant thing should they  
25 get their renewal. It's how we see it. That it'd be

1  
2 the largest fine ever paid by carter and that they  
3 would get a renewal.

4 To the Commissioner, was there any  
5 discretion used in choosing the carters for the zone,  
6 any personal discretion or did you guys, so you  
7 picked the carters, you got it from the Committee,  
8 there was a Committee that put forth the grading  
9 system. From that, did you just pick the carters that  
10 they chose with no discretion put forth by anyone in  
11 DSNY?

12 COMMISSIONER TISCH: So the way the  
13 procurement works is you have a Vendor Selection  
14 Committee and the Selection Committee goes through  
15 each of the submissions and gives grades on each of  
16 the factors for the 60 percent that wasn't price and  
17 then those scores, sorry, not grades, those scores  
18 get combined with a price calculator to spit out the  
19 list of awardees in each zone. Is that correct,  
20 Frank?

21 BROOKLYN BOROUGH PRESIDENT REYNOSO:  
22 Right, and then whatever is spit out is what you gave  
23 the contracts to be? Not one carter from that spit  
24 out was changed?

1  
2                   COMMISSIONER TISCH: Well, for example,  
3 one carter can't have more than 15 zones.

4                   BROOKLYN BOROUGH PRESIDENT REYNOSO: So  
5 outside of the technical realm, which I understand,  
6 outside of the technical realm, did DSNY change any  
7 recommendation made forth by the Committee after the  
8 pricing was changed?

9                   DEPUTY COMMISSIONER MARSHALL: No.

10                  BROOKLYN BOROUGH PRESIDENT REYNOSO: So  
11 you've kept them straight up, okay.

12                  BIC, is Cogent under investigation by the  
13 FBI?

14                  COMMISSIONER CROTTY: I can't speak about  
15 that.

16                  BROOKLYN BOROUGH PRESIDENT REYNOSO: You  
17 can't speak about that. DSNY, are you aware if Cogent  
18 is under investigation by the FBI?

19                  COMMISSIONER TISCH: I am not.

20                  BROOKLYN BOROUGH PRESIDENT REYNOSO: You  
21 are not aware.

22                  Okay. So, Chair, I am done with my  
23 questions and, again, to say that I'm disappointed is  
24 an understatement, but grateful for this hearing and  
25 just this is my legacy. This is arguably the most



1  
2 important piece of legislation that I passed in my  
3 time as a City Council Member, and I'll keep coming  
4 back. I will be a partner with DSNY in any way,  
5 shape, or form, with you in any way, shape, or form  
6 to make this successful, but I really feel like what  
7 we intended to do in the previous Administration with  
8 the previous Commissioner and myself and the  
9 advocates is not what we're seeing executed here and,  
10 if it fails, I want it to be clear that it is more of  
11 a reflection of this Administration's work and not  
12 the unthoughtfulness that we put forth in the  
13 previous years so thank you so much.

14 CHAIRPERSON ABREU: I mean, I would like  
15 to thank you, Borough President, and make piggyback  
16 off one of your points. One would think that the  
17 largest payout, 500,000, to BIC would potentially be  
18 worse than the four revocations, 150 denials that we  
19 have seen before BIC so, I mean, that's something  
20 that ought to be considered because, Commissioner,  
21 let me ask you a question. If BIC denies a license,  
22 would that terminate the contract?

23 COMMISSIONER TISCH: Yes.

24 CHAIRPERSON ABREU: So it seems pretty  
25 straightforward that the largest payout of 500,000

1 dollars is something that really ought to be looked  
2 at.  
3

4 COMMISSIONER TISCH: Also, to be clear, I  
5 can terminate a contract for material breach even if  
6 BIC does not terminate the license.

7 CHAIRPERSON ABREU: I would also like to  
8 support the Board President's point that the 14  
9 factors, it seems like price was disproportionately  
10 weighed into without any guidance or I don't think it  
11 was within the spirit of the legislative intent being  
12 put forward by the Borough President who was here to  
13 also speak about the legislative intent.

14 COMMISSIONER TISCH: Yeah, and price was  
15 40 percent, as we've discussed previously, as I  
16 testified to multiple times when Chair Nurse held a  
17 hearing on it. There was no secret that it was 40  
18 percent of the overall score. I am very clear that  
19 the reason that it was 40 percent of the overall  
20 score is I thought that price increases would  
21 represent an existential threat to all of what this  
22 program is about. If the prices went up  
23 significantly, it would have become a huge burden on  
24 our small businesses to remove their waste. I very  
25 much respect the Borough President and his opinions

1  
2 on this. I understand that he thinks that price was  
3 weighed too highly, but I do want to respond and say  
4 that every single factor that was included in that  
5 legislation, sustainability, health and safety plans,  
6 all of it was considered quite thoughtfully and  
7 meaningfully. We can talk more offline about  
8 specifics, and I'm happy to provide this Council any  
9 information you want on any of the submissions or  
10 scoring, but we gave this our best shot. I think that  
11 this Committee and the Bureau of Commercial Waste has  
12 done an extraordinary job trying to implement in the  
13 real world what was quite theoretical when it was  
14 introduced and when this legislation was passed, and  
15 I take from what you said that we now have the  
16 obligation to show you and to make you proud of the  
17 program that you sponsored. I believe that we will.

18                   BROOKLYN BOROUGH PRESIDENT REYNOSO: And I  
19 just want to say, saving 20 dollars for a business is  
20 not worth five human lives. I just want to be very  
21 clear.

22                   COMMISSIONER TISCH: No one's saying that  
23 it is.

24                   BROOKLYN BOROUGH PRESIDENT REYNOSO: But I  
25 want to be clear, you're saying you're very

1 thoughtful, and our thoughtfulness came from saving  
2 lives, actually saving lives. We're talking about an  
3 environmental justice front and a worker safety  
4 front. We have workers that were undocumented working  
5 for Cogent. Cogent. Cogent was the worst of them all  
6 and, for us, for the DSNY to not be able to take a  
7 second. Did you have the authority, I guess is what I  
8 would ask.  
9

10 COMMISSIONER TISCH: I did not.

11 BROOKLYN BOROUGH PRESIDENT REYNOSO: Did  
12 you have the authority to look at it and say Cogent  
13 is on this list. They're under investigation. They're  
14 in a version of denial. Can you have any authority to  
15 say, hey, let's put these guys on the back burner?  
16

17 COMMISSIONER TISCH: I did not have  
18 authority to do that, and doing that would have  
19 undermined the entire procurement and the entire  
20 program and, had we done that, we wouldn't be in a  
21 position right now to roll this whole program out. I  
22 was advised by Counsel that per the PPB rules, we  
23 could not exclude any bidder that had an active  
24 license with the Business Integrity Commission. At  
25 that time and, still today, Cogent has an active  
license with the Business Integrity Commission.

1  
2                   COMMISSIONER CROTTY: And just to follow  
3 up for a denial or revocation, it is statutorily put  
4 in our Title and Code of 16A509U, which sets out very  
5 specific reasons in which we can issue a denial.  
6 They're statutorily put into place. The 500,000-  
7 dollar complaint Notice of Violation was based on  
8 customer complaints, which is not a basis for denial  
9 so we are stuck with our legislation.

10                   CHAIRPERSON ABREU: So what are the basis  
11 for denial?

12                   COMMISSIONER CROTTY: As I said before,  
13 they're listed in there, but usually it is a criminal  
14 conviction. It is lying to the Commission under oath  
15 and some other various factors that I could get.

16                   CHAIRPERSON ABREU: Is safety a factor?

17                   COMMISSIONER CROTTY: Safety is not a  
18 factor in terms of denial. It can be per Local Law  
19 198 of 2019, which was enacted in '21, and we will  
20 take that under advisement, but to date that has not  
21 been in statutorily in our list of denial.

22                   COMMISSIONER TISCH: But I just want to  
23 add, as I mentioned before, that under the Commercial  
24 Waste Zone Program, DSNY has the ability to terminate  
25 any contract that we hold for material breach, and I

1 submit to you and every carter listening that crashes  
2 where they're found at fault and a pattern of them  
3 will constitute material breach in this program. We  
4 have a lot of regulatory authority that you have  
5 given us, and I am not afraid to use it. I understand  
6 that you are not pleased with how some parts of how  
7 this procurement came out, but I think you will see  
8 that we are going to use to the maximum extent  
9 possible the authority that you have given us to  
10 change the way that this industry operates.

12 CHAIRPERSON ABREU: Thank you. I would  
13 also like to recognize Salamanca, who was here with  
14 us.

15 Council Member Nurse for one question.

16 COUNCIL MEMBER NURSE: Sorry. I just had a  
17 followup question to this, and you might have  
18 mentioned it earlier, and I'm sorry if I didn't  
19 retain that information, but the period of time in  
20 which if you were to revoke, terminate someone's  
21 contract, which I'm glad to hear that you are so  
22 clear that you will do if a carter is in violation,  
23 but when you terminate a contract, what would be the  
24 kind of turnover time from selecting a new carter to  
25 them hitting the ground operational?

1  
2           COMMISSIONER TISCH: I can't give you a  
3 specific timeframe, but what I can say is we have the  
4 authority in our agreements to replace a carter if a  
5 contract has been terminated or the carter is  
6 otherwise unable to perform its duties, and I would  
7 expect to do that quite quickly so that we can  
8 continue to have a reasonable amount of competition  
9 within each zone.

10           COUNCIL MEMBER NURSE: Okay, thank you.

11           CHAIRPERSON ABREU: Thank you. I'm now  
12 going to get into the rollout of the Commercial Waste  
13 Zones. What does DSNY mean by a pilot program since  
14 this is required by law?

15           COMMISSIONER TISCH: I don't look at it as  
16 a pilot program. I look at it as Phase One of a  
17 rollout and, as I mentioned, Phase One will be the  
18 first zone. It's Queens Central, but there is no  
19 intent to use this to decide are we moving forward or  
20 not. Stipulated, we're moving forward.

21           CHAIRPERSON ABREU: How does the  
22 Department intend to measure success of this Phase  
23 One and what metrics have you set to evaluate the  
24 first phase?

1  
2           COMMISSIONER TISCH: There are a lot of  
3 different metrics of success that we will look at.  
4 Among them, customer service, vehicle miles traveled,  
5 safety, compliance with rules and regulations that  
6 are in place, and that's why I felt very strongly  
7 about doing a Phase One with just one zone so we can  
8 make sure that we got it right and, if not, if we  
9 have to tweak, before we roll out the other zones.

10           CHAIRPERSON ABREU: Thank you, and just  
11 wanted you to know that in my capacity, I also care  
12 very deeply that the program gets implemented in a  
13 way that works. I don't know that rushing is also  
14 necessarily in our interest, but I'm curious to know,  
15 though, that make sure that we're doing it  
16 expeditiously as possible while also not compromising  
17 the quality in the rollout.

18           COMMISSIONER TISCH: Yeah, I call it  
19 thoughtfully and aggressively.

20           CHAIRPERSON ABREU: Is Queen Central still  
21 on schedule to begin in September 2024?

22           COMMISSIONER TISCH: Yes, but the window  
23 is from September to January 2nd so I would say it  
24 would fully start in earnest January 2nd, but that  
25 has always been the plan and it hasn't deviated.



1  
2 CHAIRPERSON ABREU: So it's not likely to  
3 begin September of '24?

4 COMMISSIONER TISCH: The period that the  
5 businesses have to enter into new CWZ contracts runs  
6 between September and January 2nd. It must be  
7 complete by January 2nd.

8 CHAIRPERSON ABREU: Got it. Thank you for  
9 the clarification. Assuming success of the Queen's  
10 Central pilot, what zones are expected to be rolled  
11 out next?

12 COMMISSIONER TISCH: I don't want to put  
13 forth a go forward plan and schedule at this time  
14 because I want to learn from Phase One. We've  
15 obviously talked about it and have put through some  
16 quite aggressive schedules, but I really need to see  
17 before I comment publicly on who and when, I need to  
18 see that Phase One goes according to plan or decide  
19 if we need to tweak.

20 CHAIRPERSON ABREU: What is the timeline  
21 for commercial wave zones over the next two years  
22 possibly, just trying to get an understanding of how  
23 many of the 20 zones we'd be able to include as part  
24 of these next two years.

1  
2                   COMMISSIONER TISCH: As I said, we are  
3 going to do this thoughtfully and aggressively. We do  
4 have a schedule now that's a theoretical schedule,  
5 but that Frank briefed me on. We do have a two-year  
6 schedule in our planning. I don't want to commit to  
7 that to you today because, again, I need to see how  
8 this first zone goes. Did we get it right, for  
9 example, with the four months to get the September,  
10 October, November, December, to get the new contracts  
11 in place?

12                   CHAIRPERSON ABREU: And to be clear, the  
13 two-year planning is for all the zones, and I  
14 understand that you're not committing today.

15                   COMMISSIONER TISCH: I do have a schedule  
16 that our Assistant Commissioner of Commercial Waste  
17 has prepared at my direction that would roll out the  
18 zones in approximately two years. I don't know if  
19 it's two years to the day, but I do have that  
20 schedule. Again, it will all depend on, not all, but  
21 it'll largely depend on how this first phase rollout  
22 goes.

23                   CHAIRPERSON ABREU: At what point will the  
24 Department assess the success or begin measuring the  
25 success of the first phase?

1  
2                   COMMISSIONER TISCH: Oh, we're going to  
3 begin measuring on January 3rd.

4                   CHAIRPERSON ABREU: One day? That's  
5 ambitious.

6                   COMMISSIONER TISCH: No, I mean, part of  
7 the beauty of this program is that for the first time  
8 ever we're actually going to have meaningful data  
9 about this commercial waste industry, what's  
10 collected, how much, by whom, where. We've never had  
11 that before as a City. We know that there's  
12 approximately 20 million pounds of commercial waste  
13 collected a day, but not that much more than that.

14                   CHAIRPERSON ABREU: What amount of time  
15 does DSNY consider to be reasonable notice to  
16 businesses and carters when considering the period  
17 from which CWZ implementation in a new zone is  
18 announced until such implementation begins?

19                   COMMISSIONER TISCH: I think we gave  
20 plenty of notice this time, but we'll obviously look  
21 to give as much notice as possible. We are certainly  
22 going to give a minimum of four months prior to the  
23 rule effective date, but we'd like to aim for more.

24                   CHAIRPERSON ABREU: Right now the standard  
25 is four months, give or take?

1  
2                   COMMISSIONER TISCH: It's like a minimum  
3 of four months prior to the rule effective date and  
4 seven months prior to the implementation start date,  
5 so at least seven months.

6                   CHAIRPERSON ABREU: I understand that you  
7 have a tentative schedule for the next two years for  
8 the full rollout of Commercial Waste Zones. Is there  
9 any anticipation that implementation of any of these  
10 zones will occur during summer months?

11                   COMMISSIONER TISCH: Yes.

12                   CHAIRPERSON ABREU: All right, now I'm  
13 going to turn over to worker safety training. Local  
14 Law requires awardees to ensure that all workers have  
15 received safety trainings. How will DSNY work with  
16 awardees to ensure the quality and effectiveness of  
17 these trainings?

18                   COMMISSIONER TISCH: So the safety  
19 trainings requirements are specified in the law, and  
20 carters were able to make additional commitments, as  
21 I mentioned, in their health and safety plans that  
22 are part of the carter contracts so, for each of the  
23 health and safety plans, those plans are now part of  
24 the contract, and we on the enforcement side can hold  
25 each of the carters to their health and safety plans.

1  
2 CHAIRPERSON ABREU: Will DOT staff which  
3 work on Vision Zero be involved in worker safety  
4 trainings?

5 COMMISSIONER TISCH: Yes. Eric Beaton, who  
6 is the Deputy Commissioner for Transportation  
7 Planning and Management at the Department of  
8 Transportation is one of Mayor Adams' appointees on  
9 the CWZ safety task force.

10 CHAIRPERSON ABREU: How are you working to  
11 ensure that carters who are awarded a single zone and  
12 are likely to be much smaller in their operations  
13 infrastructure and resources complete the safety  
14 trainings required of them?

15 COMMISSIONER TISCH: Well, at the end of  
16 this month, every carter in the program will have to  
17 show us that all of their like in-field employees  
18 have completed 40 hours of safety training and their  
19 supervisory staff, eight hours but, also going  
20 forward, and then there have to be refresher  
21 trainings every single year, and new employees have  
22 like a small time period where they have to complete  
23 the 40-hour training as well.

24 CHAIRPERSON ABREU: These trainings are  
25 required to be at no cost to the workers. How will

1  
2 DSNY ensure that workers are paid for their time in  
3 these trainings and are not otherwise penalized for  
4 their employer's cost to provide them?

5 COMMISSIONER TISCH: Frank, do you want to  
6 speak to how you're going to enforce that?

7 DEPUTY COMMISSIONER MARSHALL: Yeah, we  
8 have a Compliance and Audits Team that works under  
9 me. We'll be receiving their certificates. We'll be  
10 conducting various audits to ensure that, number one,  
11 the workers receive the training and, number two,  
12 that the sources of the training meet the  
13 requirements of the program.

14 CHAIRPERSON ABREU: During the Committee's  
15 hearing last October, some private commercial waste  
16 workers asked for a better mechanism to file  
17 complaints against their employers without fear. Has  
18 DSNY contemplated a new mechanism for employees'  
19 complaints against awardees?

20 COMMISSIONER TISCH: DEPUTY COMMISSIONER  
21 MARSHALL: We do have a portal and we will have an  
22 online web form for different complaints to come into  
23 the Department of Sanitation, specifically for the  
24 Bureau of Commercial Waste, so workers can leverage  
25 those technologies to reach out to us.

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CHAIRPERSON ABREU: Can you speak to when those will be available?

COMMISSIONER TISCH: They'll be available when the first zone goes live, but they will apply only to the carters in those zones.

CHAIRPERSON ABREU: All right. Thank you for that.

Transfer stations, some awardees will have a financial advantage over others because they have easier access to certain transfer stations. How will BIC and DSNY regulate transfer stations to ensure that this does not get in the way of a competitive market?

COMMISSIONER TISCH: Well, the cost associated with transfer stations, I think, already were factored into the pricing that was included as part of the RFP process.

CHAIRPERSON ABREU: Did you find that those applicants or those carters who had access to their own transfer stations were more competitive than others who did not have that?

COMMISSIONER TISCH: I can't answer that question. I'm not exactly sure because I don't know

1 what's in the carters' heads and how they came up  
2 with the pricing that they put forward.  
3

4 CHAIRPERSON ABREU: How will BIC and DSNY  
5 supervise transfer stations and enforce the  
6 prohibition against idling?

7 COMMISSIONER TISCH: We are training now  
8 10 additional Sanitation police officers to carry out  
9 a lot of the in-field enforcement associated with  
10 this program. Importantly, and for the first time  
11 that anyone in the Department can remember, DSNY  
12 Sanitation police are getting the State Motor Vehicle  
13 Carrier Training which will allow them to stop trucks  
14 on the street in real time rather than after the  
15 fact. They are getting that training this summer so  
16 that they will be ready to go as soon as the program  
17 begins. We do have a whole Environmental Protection  
18 Unit that is part of the specific division of the  
19 Sanitation Police that regulates and does a lot of  
20 the enforcement against transfer stations.

21 CHAIRPERSON ABREU: Have any awardees  
22 expressed interest in using the City's rail or marine  
23 waste transfer stations?

24 COMMISSIONER TISCH: Yes, specifically  
25 91st Street and Southwest Brooklyn. They have



1 available capacity. North Shore and Hamilton do not  
2 have available capacity. We did have carter's express  
3 interest in using those. We are in the process now of  
4 coming up with what our actual costs would be. I  
5 don't want to pre-judge to the point of not following  
6 through, but I will say my sense is that our costs to  
7 use those City-owned transfer stations are going to  
8 be not competitive in the market and perhaps cost-  
9 prohibitive for use but, when we develop the costs,  
10 we would have to bring those costs to you for you to  
11 allow us to set those rates in the law.  
12

13 CHAIRPERSON ABREU: When will those costs  
14 be available for carter's that intend to use the  
15 City's rail marine waste transfer?

16 COMMISSIONER TISCH: As I said, I highly  
17 doubt that any carter's will intend to use those  
18 transfer stations because my sense is the costs are  
19 going to be prohibitive, but we are coming up with  
20 those cost estimates this summer.

21 CHAIRPERSON ABREU: We heard from a carter  
22 who said they expressed intent to tip at a marine  
23 transfer station, which would be in line with the  
24 bill's intent to reduce vehicles' miles traveled and  
25 use facilities that comply with labor standards. Yet

1 this company was not selected and they speculated it  
2 was due to the cost of tipping at a marine transfer  
3 station. DSNY testified in opposition to Committee  
4 Member Nurse's bill, Intro. 55, which would require  
5 DSNY to accept commercial waste at the marine  
6 transfer station. Why did DSNY allow carter to  
7 express intent to use MTS if DSNY had no plans to  
8 allow it?  
9

10 COMMISSIONER TISCH: So we were interested  
11 to know what the level of interest was in using our  
12 MTS. As an example, if no one had said yes, we  
13 wouldn't go through the exercise of coming up with  
14 the cost. Given that a number of carter's, how many  
15 was it that expressed interest?

16 DEPUTY COMMISSIONER MARSHALL: 13

17 (INAUDIBLE)

18 COMMISSIONER TISCH: Given that 13  
19 carter's expressed some interest in exploring using  
20 those transfer stations, we have started the process  
21 of coming up with what would the City's costs be to  
22 allow that. We know that two transfer stations are  
23 currently at full capacity, but we have two others  
24 with excess capacity and, when we have our cost  
25 estimate, so will you and then, if it's reasonable

1  
2 enough, we'll take the steps that we need to put it  
3 into effect.

4 CHAIRPERSON ABREU: Council Member Nurse,  
5 do you have questions on this issue?

6 COUNCIL MEMBER NURSE: Sorry, yeah, I just  
7 had a followup and thank you for your answers, and we  
8 are looking forward to the environmental review  
9 that's associated with this bill. I think in addition  
10 to the environmental benefits in the truck vehicle  
11 reduction, I think what we heard, at least as my time  
12 during Chair, was that carter's would be concerned  
13 that they're at the back of the line because they  
14 don't have a transfer facility in or a tipping  
15 facility in their zone. I had a question about how  
16 many, for the record, how many carters that have the,  
17 let me put it this way, did all carters that own  
18 their own transfer tipping facility get awarded a  
19 zone with that facility?

20 COMMISSIONER TISCH: I don't know off the  
21 top of my head, but we can definitely get that  
22 information.

23 COUNCIL MEMBER NURSE: Okay, I think that  
24 would be helpful to know to see who is at a  
25 disadvantage here, like how many companies have an

1  
2 advantage over others where they might push people to  
3 the back of the line.

4           COMMISSIONER TISCH: I can tell you for  
5 sure that carters that do not own a transfer station  
6 or their own place to dump certainly got awards.

7           COUNCIL MEMBER NURSE: Yes, we know  
8 because there's only so many transfer stations, but  
9 it would be interesting to understand the proportions  
10 and then to see where we could ensure that people  
11 have an opportunity to dump their payload faster and  
12 get back out on the road to be competitive.

13           CHAIRPERSON ABREU: I have a question for  
14 Assistant Commissioner Marshall on the complaint  
15 portal. What's the followup look like if someone  
16 submits a complaint?

17           DEPUTY COMMISSIONER MARSHALL: The  
18 complaint will come into the Bureau of Commercial  
19 Waste. We have a team that will filter the  
20 complaints. We triage those complaints and, if  
21 necessary, they'll raise up to me, and I will inform  
22 the Commissioner and we'll take the appropriate  
23 action.

24           CHAIRPERSON ABREU: Thank you. Next topic  
25 of questions is on vehicles miles traveled.

1  
2           Looking at the list of selected carters,  
3 one can see that some carters who have facilities  
4 were awarded zones far away from their facilities  
5 where their facilities are located. Let me start that  
6 again. Looking at the list of selected carters, one  
7 can see that some carters who have facilities were  
8 awarded zones far away from where their facilities  
9 are located. Metropolitan Carting, for example, was  
10 not awarded the district where its transfer station  
11 is, while some carters that operate their own  
12 transfer stations were not awarded contracts at all.  
13 If reducing vehicle miles traveled is meant to be one  
14 of the main goals of this program, can you please  
15 explain this?

16           COMMISSIONER TISCH: We achieved the goal  
17 of reducing by 50 percent commercial carter vehicle  
18 miles traveled so it's equivalent to a reduction of  
19 12 million fewer miles driven per year.

20           CHAIRPERSON ABREU: Why was Action Carting  
21 awarded so many zones far away from their Bronx  
22 facility specifically?

23           COMMISSIONER TISCH: It was all based on  
24 how those RFP responses were scored.

25

1  
2                   CHAIRPERSON ABREU: Why was Metropolitan  
3 not awarded the zone in which their Brooklyn facility  
4 is located?

5                   COMMISSIONER TISCH: Same answer.

6                   CHAIRPERSON ABREU: It seems as though we  
7 could have achieved of reduction in vehicles miles  
8 traveled, but I defer to your response.

9                   Did a carter, which included in their RFP  
10 response a disposal plan that incorporates marine  
11 transfer stations, get more points than a carter who  
12 proposed disposing of the refuse at a land-based  
13 transfer station?

14                   COMMISSIONER TISCH: I'm not going to  
15 speak about specific scoring, largely because, well,  
16 partially because I wasn't on the Committee but I  
17 also don't think it's appropriate.

18                   CHAIRPERSON ABREU: But you did mention  
19 that that scoring will be available eventually.

20                   COMMISSIONER TISCH: We can talk to you  
21 about providing scoring and access to the  
22 information. I just want to talk to our ACO and our  
23 General Counsel, but my intent is to make it  
24 available to you.

1  
2           CHAIRPERSON ABREU: Thank you. Besides  
3 traveling from their garage to their zones and from  
4 their zones to transfer station, how will the City  
5 ensure that carters aren't unnecessarily traveling  
6 outside of their respective zone?

7           COMMISSIONER TISCH: We've built out a  
8 telematics system and have required that all carters  
9 use the telematics system so that we have  
10 information, for example, like geo-fencing, like has  
11 this truck gone outside of its zone.

12           CHAIRPERSON ABREU: And which agency will  
13 be responsible for this?

14           COMMISSIONER TISCH: We will. Sanitation.

15           CHAIRPERSON ABREU: How will such  
16 enforcement take place and is there a penalty  
17 structure for traveling outside of their zone?

18           COMMISSIONER TISCH: I'm sorry, what'd you  
19 say?

20           CHAIRPERSON ABREU: Is there a penalty  
21 structure for when a...

22           COMMISSIONER TISCH: Yes, if they go  
23 outside of their zone, it's a material breach of the  
24 contract.

25           CHAIRPERSON ABREU: Okay.

1  
2                   COMMISSIONER TISCH: And I can terminate  
3 the contract for material breach.

4                   CHAIRPERSON ABREU: Good to know.  
5 Recycling is my next set of questions. Only a few  
6 here. DSNY originally intended to require carters to  
7 charge 30 percent less than putrescible waste for  
8 recycling and organics in order to incentivize waste  
9 diversion. Before the RFP was released, you chose to  
10 remove this 30 percent metric and simply require  
11 carters to charge less for recycling and organics.  
12 Can you tell us in general how much less carters  
13 proposed to charge?

14                   COMMISSIONER TISCH: Yes, we actually  
15 exceeded it. Do you have the specific numbers for  
16 recycling, Frank?

17                   DEPUTY COMMISSIONER MARSHALL: I'll find  
18 it.

19                   COMMISSIONER TISCH: I had it in my  
20 testimony. I think it was 32 percent for recycling  
21 and 18 percent for organics.

22                   CHAIRPERSON ABREU: Do you feel this will  
23 be enough to incentivize waste diversion?

24                   COMMISSIONER TISCH: Absolutely. I was  
25 ecstatic from this outcome. First of all, we are



1  
2 going to make that a key component of our outreach  
3 materials to businesses about how much less they will  
4 pay for source-separated recyclables and organics,  
5 and I believe that now is the appropriate time, as I  
6 also mentioned in my testimony, to expand the  
7 requirements for source-separated organics to all  
8 businesses because it will bring their costs down.  
9 They will do the right thing and get lower costs, and  
10 we can be sure of that, and so I really would love to  
11 work with you on moving that forward.

12                   CHAIRPERSON ABREU: DSNY is required to  
13 conduct outreach and education by way of seminars,  
14 webinars, conferences, and a multilingual public  
15 education program. At the budget hearing, you showed  
16 us some multilingual flyers, which are a start, but  
17 can you speak to DSNY's plans for all of these  
18 things?

19                   COMMISSIONER TISCH: Yes. Starting in  
20 July, as I mentioned, our canvassers, an M/WBE,  
21 Metropolitan Strategies and Solutions, will be  
22 hitting the commercial corridors in Queens Central,  
23 providing all the flyers and having conversations  
24 with business owners. On Wednesday, our mailer will  
25 go out to every business. There are about 8,000 of

1 them in the District, and so that outreach will  
2 continue until September, when the carters who are  
3 operating in those zones will be approved to go do  
4 the direct outreach to businesses to start to  
5 negotiate the new contracts, which have to be put in  
6 place between September and January.  
7

8 CHAIRPERSON ABREU: In its outreach  
9 campaign, DSNY is permitted to seek the assistance of  
10 both for- and non-profit corporations. DSNY reported  
11 they had contracted with Metropolitan Solutions for  
12 1.5 million to perform outreach. While we appreciate  
13 the Department is working with an M/WBE business,  
14 they are headquartered in Washington, D.C., and have  
15 only one client in New York City listed on their  
16 website, the Office of Emergency Management. Can you  
17 speak to this organization's work in New York City  
18 and why you believe they are the best consultant for  
19 the job as opposed to one of the many New York City-  
20 based M/WBE businesses that do this work?

21 COMMISSIONER TISCH: This was done largely  
22 based on a few factors, but price was an important  
23 factor the way this procurement was done, and my  
24 understanding is that they are going to be hiring  
25

1  
2 local outreach associates to do that work, who speak  
3 a variety of languages, as we've specified.

4 CHAIRPERSON ABREU: Do you know when that  
5 local outreach will begin?

6 COMMISSIONER TISCH: July.

7 CHAIRPERSON ABREU: And how many  
8 individuals are you looking to hire locally?

9 COMMISSIONER TISCH: It's 30 outreach  
10 associates, and Frank confirmed for me that I was  
11 correct, that we're looking to hire, even though the  
12 company is not based in New York, they would hire  
13 local residents to perform the outreach.

14 CHAIRPERSON ABREU: Have the staff at  
15 Metropolitan, who undertake the outreach campaign,  
16 undergone any sort of training about the local New  
17 York City landscape?

18 COMMISSIONER TISCH: Frank.

19 DEPUTY COMMISSIONER MARSHALL: Yeah,  
20 they'll undergo comprehensive training for like the  
21 New York landscape, the Local Law 199.

22 COMMISSIONER TISCH: Wait, I want to be  
23 clear. He asked about the people who run the company.

24 CHAIRPERSON ABREU: Yeah, Metropolitan.  
25

1  
2                   COMMISSIONER TISCH: Frank is answering  
3 about the outreach associates.

4                   CHAIRPERSON ABREU: Yeah, I'm referring to  
5 the company itself.

6                   DEPUTY COMMISSIONER MARSHALL: Yeah, over  
7 the past several weeks, I've been on calls with the  
8 owner of the company. He's been well-versed in  
9 regards to the program, the landscape of New York  
10 City..

11                   COMMISSIONER TISCH: But there is no  
12 training plan for the owner of the company. The  
13 training is planned for the outreach associates who  
14 will be doing the work on the ground.

15                   CHAIRPERSON ABREU: Yeah. There are a lot  
16 of organizations that already have hired locally  
17 already, but I won't belabor the point.

18                   The first of the commercial way zones to  
19 be implemented is Queens Central, one of the most  
20 diverse places on earth. Have the staff at  
21 Metropolitan, who will undertake the outreach  
22 campaign, undergone any sort of cultural competency  
23 training?

24                   COMMISSIONER TISCH: Yeah. They're being  
25 hired now so, if the question is in the past tense,

1 no, but they will. Among the languages that they are  
2 going to speak is going to be Spanish, Mandarin  
3 Chinese, Cantonese, Russian, Korean, Haitian Creole,  
4 Arabic, Bengali, Hindi, Urdu, Yiddish, and Hebrew.  
5

6 CHAIRPERSON ABREU: Do you know what  
7 percentage of languages are left out of that?

8 COMMISSIONER TISCH: We took all the Local  
9 Law 30 languages, and then we added languages based  
10 on the types of businesses in that zone so it'll  
11 change from zone to zone.

12 CHAIRPERSON ABREU: Do you have any  
13 information on how the languages will be allocated  
14 among the different 30 associates? Would it be based  
15 off of the dominating demographic or the languages  
16 served? How would that work?

17 COMMISSIONER TISCH: I can't speak to that  
18 now, but we can get you that information.

19 CHAIRPERSON ABREU: Okay. It'd be very  
20 helpful to have that information to make sure that  
21 we're reaching our businesses in the languages that  
22 they speak and that we have the corresponding level  
23 of personnel based off of the languages that are  
24 spoken.  
25

1  
2           In terms of, one second. I know that  
3 mailers are going out on Wednesday. How many mailers  
4 are being sent out and how many businesses? I think  
5 you said 8,000 businesses, right?

6           COMMISSIONER TISCH: Yep, a mailer will be  
7 sent out to each of the approximately 8,000  
8 businesses in the area and, in addition to that,  
9 there's some like government agencies or quasi-  
10 government agencies, like for example, the MTA, the  
11 Port Authority, schools. We've already started  
12 outreach to those types of customers that aren't  
13 necessarily businesses.

14           CHAIRPERSON ABREU: What is the cost per  
15 mailer?

16           COMMISSIONER TISCH: Josh. 27 cents plus  
17 postage.

18           CHAIRPERSON ABREU: Josh, I know this is,  
19 I didn't require it off the witness stand, but  
20 Commissioner said it. Thank you for that, Josh. 27  
21 cents per mailer. That's very helpful to know.

22           In your opinion, does your current  
23 contract with Metropolitan provide enough funding to  
24 satisfy DSNY's statutory requirements to perform  
25 outreach?

1  
2                   COMMISSIONER TISCH: I think so, but I  
3 can't say 100 percent yet. I need to see with this  
4 Phase One what's required and how it goes and, to the  
5 extent that our needs exceed what we have, I will  
6 make sure to be very clear about that to you.

7                   CHAIRPERSON ABREU: Do you anticipate that  
8 as you expand to more zones that the 30 associates  
9 hired will increase in numbers by Metropolitan or is  
10 30?

11                   COMMISSIONER TISCH: Depends if you do  
12 zones concurrently or one at a time, so is it  
13 possible that Metropolitan would have more than 30  
14 people operating on the streets of New York City?  
15 Yes. At any given time, yes. Is it definite? No. We  
16 also plan to leverage the Mayor's PEU Unit to have  
17 them help with this important effort. This is a  
18 really big outreach campaign that we're doing.

19                   CHAIRPERSON ABREU: How will DSNY monitor  
20 whether a new business is established in a particular  
21 zone, and will DSNY perform CWZ outreach to new  
22 businesses in that zone after CWZs have been  
23 implemented there?

24                   COMMISSIONER TISCH: My hope and  
25 expectation is like when a new business starts today,

1 they hire a carter, they know where to go to hire a  
2 carter. We have all of the information about the  
3 program available at [nyc.gov/commercial waste](http://nyc.gov/commercial_waste). It's  
4 very easy to find on our main website, so will we be  
5 monitoring and will we know every time a new business  
6 opens? Absolutely not. I don't want to set that  
7 expectation, but my hope and the plan is for this  
8 information to be out there as among like the things  
9 that you have to comply with in New York City such  
10 that any new business that opens up would know to  
11 contact one of the three carters in their zone.

12  
13 CHAIRPERSON ABREU: We also know that in  
14 addition to DSNY's outreach campaign, awardees  
15 themselves are also required to engage in public  
16 outreach to address the transition to CWZs. What  
17 methods will carters be permitted to use in  
18 conducting outreach to their clients?

19 COMMISSIONER TISCH: Importantly, we will  
20 have to review all of their outreach materials.

21 CHAIRPERSON ABREU: You will have to or  
22 not have to?

23 COMMISSIONER TISCH: We will have to.

24 CHAIRPERSON ABREU: Okay.  
25



1  
2                   COMMISSIONER TISCH: We want to review and  
3 approve. We don't want carters putting information  
4 about the program in their outreach materials that  
5 are like misleading or incorrect.

6                   CHAIRPERSON ABREU: Yeah, one of the  
7 concerns, right, is that we want to make sure that  
8 DSNY, that your outreach does not contradict, my  
9 apologies, that Metropolitan's outreach does not  
10 contradict that of DSNY, so how do we make sure that  
11 they're in sync?

12                   COMMISSIONER TISCH: For Metropolitan, we  
13 give Metropolitan all of the outreach materials like  
14 they don't generate, they're not going to generate  
15 their own content and we will be training them on the  
16 program and what the goals are.

17                   CHAIRPERSON ABREU: And how will you know  
18 that they are giving those communications to their  
19 clients? What kind of monitoring mechanism do you  
20 have in place?

21                   COMMISSIONER TISCH: We have an Assistant  
22 Commissioner at the Department of Sanitation who just  
23 oversees outreach, and so that Assistant Commissioner  
24 will be working directly with Metropolitan on this.

1  
2 CHAIRPERSON ABREU: All right, question  
3 15, well, not 15, question a million at this point.

4 COMMISSIONER TISCH: Oh, and additionally,  
5 like they will have to fill out a form every time  
6 they do a visit to a business so we will have data  
7 about where they've gone as well.

8 CHAIRPERSON ABREU: My next set of  
9 questions is on the long-term planning for commercial  
10 way zones. Is there any point at which DSNY would  
11 reassess the boundaries of one or more CWZs and, if  
12 so, what might be the circumstances giving rise to  
13 that?

14 COMMISSIONER TISCH: I don't foresee it  
15 sitting here, but I guess anything's possible.

16 CHAIRPERSON ABREU: Anything is possible,  
17 I agree with that. How will the Agency ensure  
18 businesses are the least affected if a commercial  
19 carter is contracted to work in a particular zone,  
20 but for some reason becomes unable to perform its  
21 contracted duties?

22 COMMISSIONER TISCH: As I mentioned  
23 before, we have the ability in our contracts to  
24 replace a carter that drops out or is not operating  
25 in a zone for any reason, whether it be we terminated

1 the contract or they can no longer perform their  
2 duties. We have the ability to replace that carter  
3 with another carter at our discretion.  
4

5 CHAIRPERSON ABREU: And assuming that  
6 there's a termination of a contract or if BIC  
7 determines that a license should be denied, what  
8 happens then if they become ineligible to provide  
9 collection service? What's the next step?

10 COMMISSIONER TISCH: We choose a carter to  
11 replace them.

12 CHAIRPERSON ABREU: DSNY, will you be  
13 employing those 14 factors for the carter  
14 replacement? I think we got to this earlier.

15 COMMISSIONER TISCH: I need to come back  
16 to you on it.

17 CHAIRPERSON ABREU: Okay. Let's make sure  
18 we get answers to those questions, Counsel.

19 DSNY can award initial contracts of 10  
20 years and renew such contracts for five years up to  
21 two times. It seems that any carter which receives an  
22 initial award and both renewals would then be  
23 rendered ineligible to continue services after their  
24 final renewal runs out. What is the plan for  
25 commercial waste collection services after this

1 program runs for 20 years, assuming Commissioner, you  
2 won't be here for another 20 years?

3  
4 COMMISSIONER TISCH: I was going to say, I  
5 think someone else will have to do another  
6 procurement after all of the renewals are exhausted.  
7 I would recommend to them that they start that  
8 procurement several years prior to the last day of  
9 the last renewal so that it can be done in time and  
10 they get to have this type of fun that we're having  
11 now.

12 CHAIRPERSON ABREU: Thank you for that.  
13 Next set of questions on medical waste. We had heard  
14 from carters which specialize in medical waste  
15 removal who say they are very connected to local  
16 hospitals and institutions for both medical and other  
17 waste removal. Yet under CWZ, they will lose their  
18 ability to collect all the medical waste. Is this  
19 something that DSNY considered when developing this  
20 program?

21 COMMISSIONER TISCH: It's prohibited by  
22 the law.

23 CHAIRPERSON ABREU: Could a medical waste  
24 hauler also provide refuse collection services to his  
25 medical waste customers?

1

2

COMMISSIONER TISCH: Not under the  
Council's law.

3

4

CHAIRPERSON ABREU: Is the Administration  
open to exploring?

5

6

COMMISSIONER TISCH: As I mentioned, all  
of these requirements come from the law.

7

8

CHAIRPERSON ABREU: Is it also fair to say  
that if medical waste haulers are able to collect  
refuse collection services from medical waste  
customers, it would reduce vehicles' miles traveled?

10

11

12

COMMISSIONER TISCH: I don't know. We  
haven't studied it because the law prohibits it.

13

14

CHAIRPERSON ABREU: Could you please  
describe how BIC regulates medical waste?

15

16

COMMISSIONER TISCH: Bob made an important  
point. It would have to be a separate truck anyway  
so, for medical waste, it doesn't go in the same  
truck as refuse so, even if it's the same company,  
we're talking about two different trucks so I don't  
think that this is an area that would make any sense  
to pursue.

17

18

19

20

21

22

23

CHAIRPERSON ABREU: Are there any trucks  
that have multi-purpose use for both kinds?

24

25

1  
2                   COMMISSIONER TISCH: I guess dual bin  
3 trucks, but anyway, it's prohibited by the law.

4                   CHAIRPERSON ABREU: Okay.

5                   COMMISSIONER CROTTY: Anecdotally, there's  
6 only 11 medical waste haulers licenses.

7                   CHAIRPERSON ABREU: Thank you for that.  
8 Council Member, you have additional questions?

9                   COUNCIL MEMBER NURSE: Sorry, I had a  
10 question unrelated, off topic, but a couple Committee  
11 Members asked about an update on the RFP for the  
12 European-style containerization. Could you just give  
13 us on the record where we're at?

14                   COMMISSIONER TISCH: Yes. The RFP is out,  
15 and we have received bids.

16                   COUNCIL MEMBER NURSE: Do you know how  
17 many bids you've received?

18                   COMMISSIONER TISCH: I do, but I don't  
19 know if I'm allowed to say. I should not say.

20                   COUNCIL MEMBER NURSE: I see a head  
21 shaking. Okay. And just will you remind me when you  
22 hope to select your final vendors?

23                   COMMISSIONER TISCH: Well, we plan to roll  
24 the program out, like we plan for the bins to hit the  
25 streets in May. I don't have the timeline in front of

1  
2 me, but over the next several months, we hope to put  
3 in place this contract.

4 COUNCIL MEMBER NURSE: Okay. Thank you so  
5 much.

6 CHAIRPERSON ABREU: Commissioner, with  
7 respect to my Pre-Considered Intro., you mentioned  
8 that you would be open to looking at different draft  
9 changes. Could you speak to what makes sense to you  
10 or what doesn't make sense to you with this bill?

11 COMMISSIONER TISCH: Here's the thing. I  
12 read it and I was like, this thing is great. I really  
13 like it, this is great, and then my lawyers told me  
14 that there were things that I do not remember at the  
15 time that we could do to tighten it up or make it  
16 match the spirit and intent of what you were getting  
17 at.

18 CHAIRPERSON ABREU: But would you say...

19 COMMISSIONER TISCH: So I don't have off  
20 of the top of my head what those specific minor  
21 drafting things are, but I know that the team at  
22 Sanitation could very easily and quickly get them to  
23 you.

24 CHAIRPERSON ABREU: Would you say that you  
25 support the intent of the bill?

1

COMMISSIONER TISCH: Yeah.

3

CHAIRPERSON ABREU: Okay, and you are also  
happy to have conversations about that as well.

5

COMMISSIONER TISCH: For sure.

6

CHAIRPERSON ABREU: I guess we're close to  
wrapping up here.

8

I have a question on the safety task  
force. Who is on the safety task force, how was it  
selected, and why were past members replaced?

10

11

COMMISSIONER TISCH: Sure. The safety task  
force, hold on, I'm just pulling it up. Do you have  
it here? Okay. Safety task force will include myself  
or a designee, Frank Marshall, the Chair of the  
Business Integrity Commission, the Speaker of the  
City Council or a designee, four Mayoral appointees  
who are going to be Stephen Hoffner, he's the DSNY  
General Superintendent Level One, he runs our  
Division of Safety and Training; Will Harris, our  
Director of Audit and Compliance in the Bureau of  
Commercial Waste; Eric Beaton, as I mentioned, the  
DOT's Deputy Commissioner for Transportation Planning  
and Management; and Daniel Wright, President of  
Teamsters Local 813. The Speaker can appoint in  
addition to herself four additional people. We have,

25



1  
2 I think, one person currently who is a holdover  
3 appointed by Speaker Johnson so, if you want to  
4 update or increase the number of people appointed, I  
5 would say now is our moment because we'd like to meet  
6 in June.

7 CHAIRPERSON ABREU: Why were some members  
8 recently dismissed?

9 COMMISSIONER TISCH: Well, I felt that it  
10 was important for this Administration to make its own  
11 appointments to the Committee. I'm not sure who was  
12 dismissed or not, but certainly people who no longer  
13 work at the Department of Sanitation shouldn't be  
14 representing the Department on the Committee, but I  
15 don't know who the old appointments were, just that  
16 it is common, not just on this, but on anything as  
17 new Administrations turn over to make new  
18 appointments.

19 CHAIRPERSON ABREU: Thank you to everyone  
20 for testifying today. This panel is excused. Thank  
21 you so much for testifying.

22 COMMISSIONER TISCH: Thank you.

23 COMMISSIONER CROTTY: Thank you.

1  
2 COMMITTEE COUNSEL BARRETT: Thank you. We  
3 will take a five minute break and return for public  
4 testimony after the break.

5 CHAIRPERSON ABREU: Sergeants, I'm ready  
6 to roll.

7 SERGEANT-AT-ARMS: Can we please have a  
8 seat? We're ready to roll. Thank you. Please have a  
9 seat. Thank you.

10 CHAIRPERSON ABREU: I consider public  
11 testimony to be the most important part of a hearing.  
12 You know, we love to hear from the public. I didn't  
13 mean to disrupt the energy there, but I had to go to  
14 the restroom and now I'm back so we need you more  
15 than ever to make sure that your voices are heard and  
16 that we're holding feet to the fire for this  
17 Administration.

18 Okay, I now open the hearing for public  
19 testimony.

20 I remind members of the public that this  
21 is a government proceeding and that decorum shall be  
22 observed at all times. As such, members of the public  
23 shall remain silent at all times.

24 The witness table is reserved for people  
25 who wish to testify. No video recording or

1 photography is allowed from the witness table.

2 Further, members of the public may not present audio  
3 or video recordings as testimony, but may submit  
4 transcripts of such recordings to the Sergeant-at-  
5 Arms for inclusion in the hearing record.  
6

7 If you wish to speak at today's hearing,  
8 please fill out an appearance card with the Sergeant-  
9 at-Arms and wait to be recognized. When recognized,  
10 you have two minutes to speak on today's hearing  
11 topic. If you have a written statement or additional  
12 written testimony you wish to submit for the record,  
13 please provide a copy of that testimony to the  
14 Sergeant-at-Arms. You may also email written  
15 testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) within 72  
16 hours of this hearing. Audio and video recording will  
17 not be accepted.

18 The first panel will be Meghan Carr, Eric  
19 Goldstein, Alia Soomro, and Jane Selden.

20 Thank you for your patience. You may  
21 begin.

22 MEGHAN CARR: Thank you. Good afternoon.

23 My name is Meghan Carr, and I'm a Legal Fellow at New  
24 York Lawyers for the Public Interest. Thank you,  
25 Chair Abreu and the Council Members, for the

1 opportunity to testify before you today. This  
2 oversight hearing on the Commercial Waste Zones is  
3 desperately needed. In partnership with the Transform  
4 Don't Trash Coalition, NYLPI advocated for and  
5 celebrated the passage of this monumental law which  
6 calls for dramatic change in the City's commercial  
7 waste handling. Five years later, we are still  
8 calling on a robust, transparent, equitable, and  
9 expedient implementation of the law. There's a need  
10 for greater transparency in regard to how awardees  
11 were selected for each commercial zone. While we were  
12 pleased to see the announcement of the Commercial  
13 Waste Zone awardees in January, the lack of clarity  
14 surrounding the selection process greatly concerned  
15 us. For example, we do not know how the selected  
16 waste haulers' plans for supporting waste reduction,  
17 reuse, and recycling factored into their ultimate  
18 selection, nor whether these waste reduction plans  
19 are sufficiently rigorous to achieve the goal of zero  
20 waste to landfills and incineration by 2030, mandated  
21 by Local Law 86 of 2023. We do not know each hauler's  
22 plans to adopt the safest possible working and  
23 operating practices, which is of particular concern  
24 as yet another New Yorker was killed in Manhattan  
25

1 this May by a private sanitation truck as it  
2 reportedly reversed down a one-way street. The truck  
3 is owned by one of the named CWZ awardees. For these  
4 reasons, we urge DSNY to release further information  
5 on the process for selecting haulers. One of the  
6 central motivations behind Local Law 199 was to  
7 lessen burdens on the environmental justice  
8 communities by decreasing truck traffic and the  
9 dangers that come with it. We therefore call on DSNY  
10 to publish the planned locations of transfer  
11 stations, recycling facilities, and truck yards to be  
12 utilized by the commercial waste haulers selected to  
13 operate in the new system and to provide neighboring  
14 communities with clear plans for mitigation and  
15 enforcement to minimize the harmful impacts of these  
16 waste facilities and truck yards. We further urge  
17 DSNY to begin allowing... May I briefly?

18  
19 CHAIRPERSON ABREU: You can continue.

20 MEGHAN CARR: Thank you. Begin allowing  
21 commercial waste haulers to utilize the Department's  
22 own state-of-the-art marine and rail transfer  
23 stations which can help further reduce diesel truck  
24 miles and GHG emissions from Commercial Waste Zones  
25 and, in addition to decreasing the amount of vehicle

1 miles traveled by waste trucks, we also want to  
2 emphasize the need to reduce waste more broadly.  
3 Increasing access to community composting is a simple  
4 and proven way to do both and we thus  
5 enthusiastically support the compost processing  
6 legislation introduced by Council Member Nurse,  
7 Intro. 696, and the creation of organic waste  
8 composting facilities in each borough. Thank you for  
9 the opportunity to speak.  
10

11 CHAIRPERSON ABREU: No, thank you.

12 ERIC GOLDSTEIN: Good afternoon, Chair  
13 Abreu and Council. Eric Goldstein from the Natural  
14 Resources Defense Council. Today's hearing deals with  
15 two of the biggest challenges facing the Department  
16 in 2024. How to deal sustainably with organics, the  
17 single largest portion of the waste stream, and how  
18 to implement the landmark 2019 Council law intended  
19 to transform the chaotic current system of commercial  
20 waste collection. Each of these issues really needs  
21 its own hearing. Today is really a twofer for anyone  
22 watching or listening or reading the transcript. How  
23 the City deals with the organics in a more  
24 sustainable fashion rather than dumping thousands of  
25 tons a day into landfills and incinerators is the

1  
2 central environmental challenge facing the Department  
3 today. Right now, the current disposal path for these  
4 materials is an environmental nightmare. Landfills,  
5 incinerators, environmental justice problems,  
6 composting is the answer. I'm summarizing my written  
7 testimony. Despite efforts going back more than a  
8 decade, changes come too slowly and the Adams'  
9 Administration cuts to community composting have  
10 taken away the most effective strategy for educating  
11 and training New Yorkers on composting. The most  
12 immediate step, as you know, is for the Council to  
13 restore and baseline 7 million dollars in funding to  
14 support community composting, but more is needed. The  
15 critical missing link is sufficient in-city  
16 composting capacity so that collected organics can be  
17 directed to their highest and best use. That's  
18 composting. That's where Intro. 696, introduced by  
19 Council Member Nurse and 18 others, comes in. What a  
20 beautiful and necessary idea. For the first time, the  
21 Department would be obligated to actually compost all  
22 organics. This legislation will begin to direct the  
23 City waste policy away from sending organics to be  
24 co-digested with sewage at the City's wastewater  
25 treatment plants, a trouble-plagued semi-solution to

1 the organics disposal problem. It will help ensure  
2 that material New Yorkers are separating is actually  
3 composted, which is what New Yorkers seem to think is  
4 happening to the organics they separate, and it'll  
5 provide good green jobs to city residents as the City  
6 gears up its composting operation rather than sending  
7 these jobs and hundreds of millions of dollars a year  
8 to out-of-city landfills and incinerators. To be  
9 sure, the tonnage goals and timetable are ambitious,  
10 but while the details can be discussed and modified  
11 as necessary, this legislation directing the  
12 Department to significantly expand in-city composting  
13 operations is essential to the future of a  
14 sustainable New York City. Finally, the second  
15 subject of today's agenda is implementation of Local  
16 Law 199. We have a lot of concerns about the  
17 implementation of this strategy, about the lack of  
18 transparency in selecting zone awardees, about the  
19 track record of some of the awardees, and about the  
20 pace of implementation. Intro. 352 would create a  
21 Commercial Waste Zone working group. That would be  
22 the first opportunity to increase transparency, and  
23 we support that concept. Finally, Pre-Considered  
24 Intro. 2064 deals with one of the unanswered  
25



1  
2 questions that surfaced, what happens when a zone  
3 awardee merges with or is acquired by another  
4 awardee, and the consequences are that the new  
5 combination results in a single awardee having more  
6 than 15 zones or there being fewer than three  
7 awardees in each zone? This bill provides the answer  
8 to that. We strongly support this legislation as  
9 well. We thank you for your attention and spell out  
10 our concerns and suggestions in more detail in our  
11 written testimony.

12 CHAIRPERSON ABREU: Thank you, Eric, and I  
13 have to say that this Committee is prioritizing  
14 Intro. 696, to your point as well, Meghan, about the  
15 processing of compost facilities. Community  
16 composting is very much top of mind for the speaker  
17 and his body so we're going to work very, very, very  
18 hard to make that a reality, and I thank NRDC for  
19 support of my Pre-Considered Intro.

20 Next.

21 ERIC GOLDSTEIN: Thank you.

22 CHAIRPERSON ABREU: Alia.

23 ALIA SOOMRO: Good afternoon. My name is  
24 Alia Soomro, and I'm the Deputy Director for New York  
25 City Policy at the New York League of Conservation

1  
2 Voters. Thank you, Chair Abreu as well as Members of  
3 the Committee on Sanitation, for the opportunity to  
4 testify today. NYLCV strongly supported the passage  
5 of the Commercial Waste Zones Law in 2019. Championed  
6 by a wide group of stakeholders, this law will  
7 overhaul the City's antiquated and inefficient  
8 commercial waste management system by dividing the  
9 city into 20 zones, limiting each zone to a maximum  
10 of three private sanitation companies selected  
11 through a competitive bid process and holding  
12 companies to higher standards. NYLCV welcomed DSNY's  
13 announcement in January of the Queens Central  
14 Commercial Waste Zone, the City's first zone to be  
15 implemented as part of this law. While it has taken  
16 the City far too long to get to this point for such a  
17 commonsense policy, if implemented in a  
18 comprehensive, timely and transparent manner, the CWZ  
19 law will bring New York closer to its zero waste  
20 goals and improve the safety of workers, pedestrians,  
21 and cyclists. It will also cut down on traffic  
22 congestion, improve air quality, and curb the City's  
23 tailpipe pollution and carbon emissions, which is  
24 especially important to low-income and communities of  
25 color. Although the first zone is slated to roll out

1 in September of this year, we are still waiting for  
2 the law's full implementation, that's 19 other zones.  
3 While we understand the importance of starting off on  
4 the right foot and learning from other cities  
5 attempts at overhauling their waste system, it is  
6 imperative that the City carries out this law in a  
7 timely and transparent manner. Moreover, I'd be  
8 remiss if I didn't mention the importance of funding  
9 for CWZ staffing, outreach, and education, especially  
10 as DSNY ramps up the rollout of more zones and  
11 implements the citywide residential organics program.  
12 We appreciate that DSNY has allocated 3.2 million for  
13 its CWZ education and outreach, but we hope that more  
14 funding is allocated in the outyears as more zones  
15 are rolled out. Lastly, we hope that the City  
16 restores the community composting budget. Just  
17 wrapping up for the bills being considered today, we  
18 support Intro. 352, we also support Intro. 696, and  
19 we're still reviewing the pre-considered bill and we  
20 look forward to working with the Council, the Admin,  
21 and other advocates to get these bills passed. NYLCV  
22 looks forward to working with the Council and  
23 implementing the CWZ law in a timely manner. Thank  
24 you.  
25

1  
2 CHAIRPERSON ABREU: Thank you. This panel  
3 is excused.

4 Next up we have Jane Selden, Jenille  
5 Scott, Matthew Civello, Christine Datz-Romero.

6 JANE SELDEN: Thank you, Chair Abreu, for  
7 giving me the opportunity to speak today. My name is  
8 Jane Selden, and I Chair a Committee on Waste  
9 Reduction at the climate activist group, 350NYC.

10 Recognizing that local composting plays a vital role  
11 in moving our city closer to achieving its greenhouse  
12 gas reduction and infrastructure resiliency goals, we  
13 fully support Intro. 696 and thank Council Member  
14 Nurse for introducing it. Passing the Mandatory  
15 Citywide Organics Recycling Law last year was a major  
16 achievement. If successfully implemented, a third of  
17 the city's waste stream will be diverted from  
18 landfill and incinerators, which not only emit  
19 greenhouse gases, but poison the environment of  
20 surrounding communities. An increase in organics  
21 diversion also means a reduction in emissions from  
22 sanitation trucks traveling to the City's waste  
23 transfer stations and from the trucks that transport  
24 waste long distances to upstate New York and other  
25 states. Climate warming transportation emissions will

1 further be lowered if organic waste is processed into  
2 high-quality compost locally as Intro. 696 mandates.  
3 The bill is also consistent with our belief that the  
4 most environmentally beneficial use of organic waste  
5 is conversion to compost rather than biogas, a costly  
6 procedure that at least so far has only worked  
7 sporadically. Compost is a valuable resource that can  
8 be used to nourish the depleted soil of local parks,  
9 community gardens, and street trees and the over  
10 12,000 rain gardens the City has created as part of  
11 its Climate Resiliency Plan. Compost is especially  
12 important for flood mitigation because it acts as a  
13 sponge, retaining up to six times its weight in  
14 water. Big Reuse's award-winning Queensbridge  
15 composting site exemplifies the many benefits of  
16 local composting operations. Instead of shutting it  
17 down, the City should use it as a model for building  
18 more sites like it in every borough once this bill is  
19 passed, which we hope is soon. Thank you.

21 CHAIRPERSON ABREU: Thank you.

22 JENILLE SCOTT: Hi, my name is Jenille  
23 Scott, and I'm the Climate Director at ALIGN, also a  
24 member of the Transform Don't Trash Coalition, where  
25 we're working to transform New York City's commercial

1 trash industry to foster clean and healthy  
2 communities for all New Yorkers. Thank you so much,  
3 Sanitation Committee Chair Abreu, for allowing me to  
4 testify today. I know we've already heard a lot about  
5 Cogent today so I would just add that on May 16th,  
6 there was also an incident with a private sanitation  
7 truck from Liberty Ashes that fatally struck a  
8 pedestrian near Washington Square Park. These two  
9 incidents are just two examples of avoidable  
10 incidents that have occurred since the implementation  
11 of our Commercial Waste Zone law has been delayed.  
12 Addition to that, under Local Law 199, the Department  
13 of Sanitation can enforce more rigorous safety  
14 standards for awarded carters but, while this  
15 implementation is delayed, so is the enforcement of  
16 these standards that are set to protect our  
17 sanitation workers and our communities. We're  
18 delighted to hear that the first zone is rolled out  
19 in the fall. However, it's very concerning that there  
20 are still 19 zones left to be implemented.  
21 Additionally, that Liberty Ashes and Cogent are on  
22 the list of awardees for these zones. It would be an  
23 absolute shame that after years really of tireless  
24 work to develop, advocate, and pass this legislation,  
25

1 that five years later, we will develop a system that  
2 can create the same or even worse challenges than the  
3 current system that we have that is impacting our  
4 communities. We do implore the DSNY as well,  
5 considering the high amount of waste that New York  
6 generates, to allow waste haulers to utilize the  
7 Department's marine and rail transfer stations, which  
8 can help further reduce mileage and emitted emissions  
9 and, to this end, are supportive of Council Member  
10 Nurse's Intro. 55 bill that would require the  
11 Department of Sanitation to accept commercial solid  
12 waste at these marine transfer stations. May I  
13 finish? I just have a few sentences. Thank you. It is  
14 imperative that the Council supports the full and  
15 timely implementation of the remaining 19 zones and  
16 supports DSNY in the Commercial Waste Zone  
17 implementation and oversight of the awardees and, to  
18 this end, are appreciative that Intro. 352 has been  
19 introduced to create a working group to allow that  
20 support for evaluating and supporting the  
21 implementation of the processes. Thank you for the  
22 opportunity to raise the concerns of our coalition,  
23 and we look forward to working with the City Council  
24 as well as DSNY to ensure the highest possible  
25

1  
2 environmental safety and customer protection across  
3 our new waste system.

4 CHAIRPERSON ABREU: Thank you, Jenille.

5 MATTHEW CIVELLO: Hi, I'm Matthew Civello,  
6 Chair of the Manhattan Solid Waste Advisory Board,  
7 and will be delivering testimony on behalf of the  
8 four active Solid Waste Advisory Boards. My testimony  
9 today is concerning Intro. 696, and our commentary  
10 regarding Intro. 352 will be submitted with our  
11 written testimony. The four Solid Waste Advisory  
12 Boards are supportive of Intro. 696, establishing  
13 local compost capacity in each borough, though  
14 ambitious, would provide the first foundational step  
15 in creating an infrastructure for a robust,  
16 resilient, and decentralized organic solution that  
17 would prioritize compost rather than disposal  
18 solutions for the city's residential organic  
19 material. Consistent with the SWAB's previous  
20 recommendations, we ask, however, that the following  
21 suggested modifications be considered, the re-  
22 establishment of the compost siting task force or the  
23 successor entity, explicitly including non-profits as  
24 eligible entities to contribute to the construction,  
25 operation, and maintenance of sited compost



1 facilities, and prioritize the current and recently  
2 functioning community composting processing operators  
3 such as Big Reuse, Earth Matter, Compost Power, BK  
4 Rot, Red Hook Farms, Green Fin Organics, Vokashi, and  
5 the Lower East Side Ecology Center, as well as the  
6 Botanic Gardens. In Fiscal Year '24, the City will  
7 have spent 200 million dollars to export  
8 approximately 1 million tons of residential organics  
9 as waste for disposal. Intro. 696, local processing  
10 of organics as compost, recognize residential  
11 organics as a valuable resource rather than a waste  
12 material, and diverts this resource away from  
13 incineration, landfills, and co-digestion with the  
14 additional benefit of creating local green jobs  
15 within the city instead of exporting that valuable  
16 resource as garbage for disposal at great social,  
17 environmental, and financial cost. For these reasons,  
18 we are extremely supportive of 696. Our full  
19 testimony explaining what was highlighted here in  
20 more detail will follow. Thank you, Chair Abreu, for  
21 holding this important hearing today.

22  
23 CHAIRPERSON ABREU: Thank you, and we  
24 appreciate everything the Manhattan SWAB is doing.

25 This panel is excused.

1  
2                   We next have Mary Krieger, Brian Gardner,  
3 and Charles Dippolito.

4                   MARY KRIEGER: My name is Mary Krieger,  
5 and I speak on behalf of It's Easy Being Green. It's  
6 Easy Being Green is a neighborhood environmental  
7 action group on the Upper West Side. We've been  
8 active since 2019 in educating our neighbors about  
9 composting through building outreach, door-knocking,  
10 and dissemination of information at events. I speak  
11 today in support of Intro. 066. I thank the sponsor,  
12 Council Member Nurse, and the Chair of the Committee,  
13 Shaun Abreu, for their environmental leadership. I  
14 also thank the City Council for making the separation  
15 of organics mandatory. There are four reasons that we  
16 support this forward-looking proposal. First, we need  
17 to avoid the carbon emissions involved in  
18 transporting massive amounts of food scraps which  
19 will accrue when the composting becomes mandatory.  
20 Building facilities like the one in Staten Island in  
21 each borough will slash these emissions. Most  
22 landfills cannot compost food scraps. These food  
23 scraps emit methane. The state-of-the-art facilities  
24 like the one in Staten Island emit no greenhouse  
25 gases, and the local sites run by the composting

1 groups that exist now also do not emit greenhouse  
2 gases. A third reason that we should pass this law is  
3 that New York should not outsource pollution from its  
4 trash stream to other communities, especially to  
5 social justice communities. With the increased volume  
6 from mandatory composting, the likelihood that the  
7 City will send compost to the same landfills that  
8 handle our trash increases creating a need for  
9 expansion of those facilities and more pollution in  
10 those facilities, and I know that some of the upstate  
11 landfills are planning on increasing their capacity.  
12 Commissioner Tisch, to the contrary, in her comments  
13 in the New Yorker article, New York should care about  
14 what happens to its waste stream. The lesson all  
15 kindergartners learn holds true for New York. Clean  
16 up after yourself and, quite frankly, I was surprised  
17 to hear that Commissioner Tisch testified today that  
18 she did not know what to do with all of the compost  
19 that they expect to get when the mandatory composting  
20 starts. Surely a plan for the compost should have  
21 been a high priority, especially when the former  
22 Sanitation Commissioner before her had recommended  
23 that there be mandatory composting at another City  
24 Council hearing. This isn't a surprise and plans  
25

1  
2 should have been made. The last reason to support  
3 this bill is that composting in our own facilities  
4 will save New York taxpayers money by reducing the  
5 money spent on landfills. My advocacy for borough-  
6 wide composting facilities does not preclude the  
7 support for existing composting facilities run by Big  
8 Use and other private composting groups. When their  
9 outreach workers came to our buildings, we saw an  
10 increase in participation in the individual buildings  
11 in the curbside composting program. Their services  
12 are essential for a successful rollout of mandatory  
13 composting, and I hope that the City Council will  
14 restore funding for their programs and Mayor Adams  
15 will put it back in his budget.

16 CHAIRPERSON ABREU: Thank you, and I  
17 appreciate It's Easy Being Green. Please say hello to  
18 Sharon and Karen for me on the West Side.

19 BRIAN GARDNER: Good afternoon. My name is  
20 Brian Gardner from Cole Schotz. I'm a little  
21 different. I'm on private counsel and I represent a  
22 carter on Staten Island, but many of my comments, and  
23 I'll be quick, obviously I have to be, but many of  
24 the comments relate to the conversations that were  
25 happening this morning and much of it has to do with

1 the process that you pointed out from the Chair and  
2 other Council people, that the process was delayed,  
3 that there's been three years since the RFPs were  
4 required to be bid against and, since that time, what  
5 review has happened of those RFP awardees that have  
6 now only been announced in January? So there was a  
7 lot of talk about Cogent and perhaps some others that  
8 if they were reviewed today or reviewed in January of  
9 2024, would they have been an awardee? And Councilman  
10 Carr asked directly, would the Sanitation Department  
11 consider reopening bidding to the RFP? That would  
12 resolve a lot of the Borough President's concerns as  
13 well as other concerns raised today. The process was  
14 challenged, and I know the Administration's changed  
15 and when process gets challenged so do the results. I  
16 represent Faztec Industries. Together with its sister  
17 company on Staten Island, they are the largest non-  
18 publicly traded company on Staten Island. No company  
19 has a higher safety record, and they charge 20 to 25  
20 percent less than every other hauler. Yet they could  
21 not submit a bid to the RFP, a response to the RFP  
22 because they had not been licensed yet by BIC. They  
23 would certainly love to submit an RFP response today  
24 and Staten Island is different and as Councilman Carr  
25

1  
2 may agree with, it's one zone. The whole island is by  
3 itself is an island and it's one zone. All of the  
4 core requirements that the Borough President  
5 mentioned which are lofty goals of safety, community  
6 representation, and access for the small businesses  
7 which most of these are, and environmental concerns,  
8 none of that has changed for Staten Island. There'll  
9 be no reduced traffic in Staten Island. Staten Island  
10 is truly different, and I submit the rebidding should  
11 occur at least for Staten Island, if not for all of  
12 the city that is not part of the pilot program  
13 because, as Department of Sanitation said, it will be  
14 two years before the pilot program is finished. Thank  
15 you.

16 CHAIRPERSON ABREU: Thank you.

17 CHARLES DIPPOLITO: Thank you, Chair  
18 Abreu, for the opportunity to testify today. My name  
19 is Charles Dippolito. I own Approved Storage and  
20 Waste Hauling, a commercial and medical waste carter  
21 business that's operated in New York since 1996. Most  
22 pertinent today is my experience with solid waste  
23 generated from healthcare facilities. Although I will  
24 submit a full written statement, I want to briefly  
25 note an important omission in the CWZ program. To

1 ensure public safety, State of New York's DOH and  
2 DSNY created several subcategories of waste including  
3 construction demolition and regulated medical waste  
4 among others. Each of these waste streams require  
5 special handling, can only be dumped at permitted  
6 transfer stations, and may require additional  
7 training and equipment. However, the solid waste  
8 industry goes further than these existing  
9 subcategories to avoid hazardous commingling  
10 including the use of the term healthcare or  
11 institutional waste used by post-collection operators  
12 such as transfer stations to describe any waste that  
13 is generated by a healthcare facility aside from  
14 regulated medical waste. This term was developed to  
15 ensure best practices since regulatory issues have  
16 occurred when, for example, an employee at a hospital  
17 erroneously includes medical waste, hazardous waste,  
18 or radioactive waste in their general solid waste  
19 bins causing major disruptions when the error is  
20 uncovered. This practice requires unique handling for  
21 institutional waste similar to those for medical.  
22 Therefore, institutional waste, like other  
23 subcategories, merit an exclusion in the CWZ.  
24 Healthcare facilities can include hospitals and  
25

1 nursing homes. Many generators such as Northwell and  
2 Montefiore have just recently learned about the  
3 omission of institutional waste as an exempt waste  
4 stream and they're concerned. They want to retain a  
5 single hauler for their vast network of facilities  
6 numbering in the hundreds that span multiple boroughs  
7 and zones. They're liable if commingled waste arrives  
8 at a facility which is not permitted to handle it and  
9 they are comfortable with the existing subset of  
10 companies with the expertise to differentiate regular  
11 waste from medical, hazardous, and radioactive waste.  
12 By placing institutional waste in the CWZ exclusions,  
13 the program would more accurately reflect the best  
14 safety practices further, fewer carters would be used  
15 to pick up the healthcare facilities waste streams  
16 reducing trips and emissions which was the intent of  
17 the original law. I hope you will address this issue  
18 through legislation or by advocating for new agency  
19 rules that allow consolidating hauling activities at  
20 healthcare facilities. I'm happy to serve as a  
21 resource on this matter.

22  
23 CHAIRPERSON ABREU: What do you make of  
24 the Commissioner's comments about medical waste and  
25



1 having trucks that only serve one purpose of waste  
2 versus other institutional waste?  
3

4 CHARLES DIPPOLITO: She was referring to  
5 regulated medical waste and she was absolutely  
6 correct. Regulated medical waste cannot be  
7 commingled. When you speak about institutional waste,  
8 it's garbage generated at hospitals so, for example,  
9 Northwell has 1,200 facilities spread out over the  
10 five boroughs in Long Island and they have a single  
11 hauler. Now they're going to be asked to use multiple  
12 haulers. The potential for medical waste, hazardous  
13 waste or radioactive waste to end up with the solid  
14 waste is a real issue and, when that hits these  
15 transfer stations, the State has to come down and it  
16 has to be dealt with so a lot of the trans stations  
17 don't accept institutional waste which is solid waste  
18 generated at medical facilities so the Commissioner  
19 was speaking about regulated medical waste. This is  
20 solid waste generated at medical facilities.

21 CHAIRPERSON ABREU: Thank you.

22 CHARLES DIPPOLITO: Thank you.

23 CHAIRPERSON ABREU: This panel is excused.

24 The next in-person panel, Josh Kellerman, Sharon  
25 Brown, and Christine Datz-Romero.

1

SHARON BROWN: (INAUDIBLE)

3

CHAIRPERSON ABREU: Yeah, it's a hearing  
on Commercial Waste Zones.

5

SHARON BROWN: (INAUDIBLE)

6

CHAIRPERSON ABREU: Correct.

7

SHARON BROWN: Hello, my name is Sharon  
Brown and, for the biodegradable things, I believe  
that composting should be in effect. We get that from  
the Bible where God told Moses and the children of  
Israel to bury their fecal matter waste. You can bury  
anything that's biodegradable, leaves, food, fecal  
matter, anything that can go under the ground or on  
top of the soil like horse manure or something like  
that. It can spread and used to regrow things. We  
need to have some kind of processing plant so that  
you can put things together based on size, height,  
shape, even companies that maybe they'll reuse the  
things that they put out there. If they have hard  
containers or plastic containers or something like  
that, they can find a way to reuse it, especially  
since their products are basically, they come in the  
same kind of packaging, so those hard containers  
don't necessarily need to be thrown out. We can find  
a way for people to either deliver them back to the

25

1  
2 companies or through some process where we have a  
3 plant or something, we can get those things back to  
4 that and the biodegradable things can be separated.  
5 We need to find a way to have this where it doesn't  
6 impact regular communities and things like that. We  
7 can do it in such a way where it can be corridors  
8 just for these things so there won't be pollution and  
9 things like that. We need to make sure that the  
10 Sanitation Department is not being harmed themselves  
11 and people are not being run over by their trucks. We  
12 need some updated technology when it comes to these  
13 kinds of things, the composting, the melting down of  
14 plastic containers. However they've come to make  
15 these products, they can also do it in reverse. They  
16 can melt down the products and make something else  
17 with it. It doesn't have to go into a landfill. You  
18 can reuse those materials.

19 CHAIRPERSON ABREU: Thank you so much. Mr.  
20 Kellerman.

21 JOSH KELLERMAN: Good afternoon. Thank  
22 you, Chair, for the opportunity to speak. My name is  
23 Josh Kellerman. I'm the Director of Public Policy at  
24 the Retail Wholesale and Department Store Union,  
25 RWDSU. We represent over 40,000 workers in New York,

1 including workers at GrowNYC's Community Composting  
2 Program, many of whom have recently lost their jobs  
3 due to budget cuts and deprioritizing the role of  
4 community composting in the broader program. I'm here  
5 to speak today in support of Intro. 696. The RW  
6 supports this bill and will work closely with the  
7 sponsor, Council Member Nurse, and other advocates to  
8 make this bill a reality. One thing I know for sure  
9 is that DSNY will never have citywide composting  
10 completely under control. It is too big and complex  
11 of a system to be run solely by a single agency. They  
12 need community partners to make this program a  
13 success. Let me say it again. Working with the  
14 community to create a closed-loop system in New York  
15 City for food is essential. The City can't do it  
16 alone. Community composting works and needs to be re-  
17 funded and prioritized. Requiring composting  
18 facilities in each borough through Intro. 696 will  
19 help solidify this collaborative role. DSNY will need  
20 to partner with community groups. The bill says that  
21 DSNY can meet its composting goals by counting  
22 community facilities in their capacity towards its  
23 goal. This would incentivize a decentralized  
24 composting network led by communities themselves,  
25

1  
2 reducing DSNY's capital needs. It will also lead to a  
3 cultural shift that goes well beyond what DSNY can  
4 achieve alone. I'd also like to note that the cost  
5 concerns raised by DSNY earlier in this hearing  
6 didn't take into account the savings from not  
7 offshoring a significant portion of our food waste as  
8 well as potential revenue streams from things like  
9 selling compost that are generated locally, and also  
10 a one-time capital expense to build these facilities  
11 will pay for itself over time in savings from waste  
12 diversion, climate benefits, soil creation, and more.  
13 The RW is proud to represent workers on the non-  
14 profit side of our city composting infrastructure,  
15 and we hope the City and DSNY will recognize the  
16 value of these groups as they improve the overall  
17 health of our city. Thank you.

18 SHARON BROWN: That's a good idea, a  
19 reselling of the items that are..

20 CHAIRPERSON ABREU: Thank you. This panel  
21 is hereby excused and, Josh, I hear you. The Council  
22 and the Speaker is making community composting a  
23 priority to restore the green jobs that were lost or  
24 rather the jobs that were killed.

25

1  
2                   Now we're turning over to Zoom. David  
3 Biderman.

4                   SERGEANT-AT-ARMS: Starting time.

5                   DAVID BIDERMAN: Good afternoon. My name  
6 is David Biderman. I'm the President of Biderman  
7 Consulting, LLC. It's a solid waste consultant firm,  
8 and I'm the former Executive Director for SWANA, the  
9 Solid Waste Association for North America, and I  
10 provide safety training and other services to a large  
11 number of carters in New York City, and I've spent a  
12 lot of time over the last few months providing CWZ  
13 safety training to some of the awardees. I'm going to  
14 briefly discuss transparency and safety. First of  
15 all, the awardees need to know the schedule for CWZ  
16 implementation after Queen Central. Awardees need to  
17 buy trucks. It takes up to 12 months to get a new  
18 garbage truck delivered. Awardees need to hire  
19 workers. They need to be ready to implement the  
20 various plans that they're required to do under the  
21 CWZ system and gear up for a very competitive battle  
22 to get customers on a zone-by-zone basis. The  
23 awardees are completely in the dark. Which zones are  
24 going to transition after Queens Central? When is  
25 that going to take place? What's the overall

1  
2 schedule? We heard that there may be some two-year  
3 time period earlier today. The awardees deserve to  
4 know the entire schedule and they deserve to know  
5 that now. The 30-plus BIC licensees who are not  
6 awardees also deserve to know the CWZ schedule so  
7 they can make some difficult business decisions.  
8 Should they sell now or go out of business, or should  
9 they wait a few years until the zones in which their  
10 customers are located are subject to CWZ? These  
11 licensees also deserve to know the entire schedule  
12 now. Now I agree, DSNY needs to evaluate the  
13 implementation of CWZ in Queens Central before  
14 transitioning the other zones. I urge this Committee  
15 to play a meaningful role in that evaluation, but  
16 DSNY could have identified today the zones that will  
17 transition in 2025. For example, it makes a lot of  
18 sense for the other four zones in Queens to be the  
19 next ones to transition perhaps beginning in the fall  
20 of 2025 and concluding at the end of the year. The  
21 Bronx could transition in early 2026, Staten Island  
22 in mid-2026.

23 SERGEANT-AT-ARMS: Thank you so much. Your  
24 time has expired.

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1  
2                   DAVID BIDERMAN: May I just say a few more  
3 points.

4                   CHAIRPERSON ABREU: 15 seconds, David.

5                   DAVID BIDERMAN: Sure. Safety is one of  
6 the biggest reasons for having Local Law 199. The e-  
7 bikes pose an incredible threat to New York City  
8 pedestrians and the men and women who collect our  
9 waste. The New York Times noted last week e-bikes  
10 have made our city a nightmare. It's the wild west  
11 out on the streets and e-bike batteries are causing  
12 fires, killing New Yorkers. All of us, including  
13 solid waste collection workers deserve better. Thank  
14 you.

15                   CHAIRPERSON ABREU: Thank you, David. Anna  
16 Sacks is next.

17                   SERGEANT-AT-ARMS: Starting time.

18                   ANNA SACKS: Hi. Thank you for having me.  
19 My name is Anna Sacks. I'm the Legislative Chair of  
20 Manhattan Solid Waste Advisory Board, member of Save  
21 Our Compost. I'm going to be testifying for myself. I  
22 want to reiterate MSWAB's and the Solid Waste  
23 Advisory Board's recommendations. One, re-  
24 establishing the Compost Siting Task Force and  
25 explicitly include members from each of the Solid



1 Waste Advisory Boards, two, in 696 explicitly include  
2 non-profits as eligible entities, because right now  
3 it's kind of ambiguous whether or not non-profits can  
4 be included there and, three, to prioritize current  
5 and recently functioning community composting  
6 operators to do the community composting once it's  
7 implemented. I strongly support 696. I think we need  
8 to massively increase our composting capacity, and I  
9 think this is about like, what type of city do we  
10 want to be, and this is one of the ways in which we  
11 can become a truly circular city. Also, I want to  
12 note that the Newtown Creek facility, which has been  
13 on and off for the past five years or so, cost over a  
14 billion dollars to build, and so when we talk about  
15 costs, we should also talk about the cost of building  
16 out more of these anaerobic co-digesters. Thank you.

18 CHAIRPERSON ABREU: Thank you, Anna.

19 Andrea Scarborough is next.

20 SERGEANT-AT-ARMS: Starting time.

21 ANDREA SCARBOROUGH: Yes, hi. Good  
22 afternoon, Chair Abreu and the Members of the  
23 Sanitation and Solid Waste Committee. My name is  
24 Andrea Scarborough. I'm a former President of my  
25 civic, Addisleigh Park Civic Organization, a board

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1 member of the Queen Solid Waste Advisory Board, as  
2 well as a board member of the recently formed  
3 Southeast Queens Residents Environmental Justice  
4 Coalition, an organization that advocates for  
5 environmental policy changes and tangible  
6 improvements in the Southeast Queens community.  
7 Today, I am representing the organization, SQREJC,  
8 that I just mentioned. SQREJC is in support of Intro.  
9 0352. This is exactly what is required at this  
10 juncture as the Committee takes steps towards  
11 implementation of this law. Speaking as a resident  
12 that lives in close proximity to waste transfer  
13 facilities, I am concerned as to the rules and  
14 regulations, as well as oversight, that will impact  
15 the haulers, but not the waste facility owners. In my  
16 community, I have haulers as well as waste transfer  
17 stations who are not haulers, but they accept waste  
18 from a myriad of third-party independent truckers  
19 that exist. While the CWZ legislation clearly  
20 addressed haulers, it is unclear if any consideration  
21 was given to the non-haul community who are allowed  
22 to continue to accept waste from everyone, including  
23 any independent trucker as well as the public. It is  
24 unclear if any zone requirements that exist for  
25

1 haulers exist for those third-party truckers that do  
2 business at those waste stations. What are the rules  
3 and regulations of those transfer stations under the  
4 Commercial Waste Zone legislation? Two of our members  
5 recently visited one of the waste stations in our  
6 area and was informed that they are not included in  
7 the CWZ law as they are not haulers. SQREJC's concern  
8 is, if this is true, then does that mean that any  
9 independent trucker from anywhere else..  
10

11 SERGEANT-AT-ARMS: Thank you so much.  
12 Your time has expired.

13 ANDREA SCARBOROUGH: Can I continue,  
14 please, Chair? I'm almost done.

15 CHAIRPERSON ABREU: You got 15 seconds.

16 ANDREA SCARBOROUGH: Okay, that any  
17 independent trucks from anywhere can continue to  
18 conduct their business with no regard for the newly  
19 implemented zoning laws put in place to reduce truck  
20 traffic and its emissions, pollutants that take place  
21 in an environmentally overburdened area? It sounds  
22 like business as usual. Our organization asks that  
23 Intro. 352 be given full consideration and allow a  
24 CWZ task force to be established to address the flaws  
25 that may currently exist in the reform plan.

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1 Environmentally overburdened communities such as mine  
2 deserve no less. Thank you, Chair.

3  
4 CHAIRPERSON ABREU: Thank you. Next, we  
5 have Daniel Wright.

6 SERGEANT-AT-ARMS: Starting time.

7 DANIEL WRIGHT: Good afternoon. Thank you,  
8 Chair Abreu, Council Members, and Members of the  
9 Solid Waste Committee. I'm Daniel Wright, President  
10 of Local 813 International Brotherhood of Teamsters.  
11 Teamsters Local 813 has been an advocate for  
12 Commercial Waste Zone reforms for many years and  
13 supporters of Local Law 199. Local 813 represents a  
14 large number of workers in the private sanitation  
15 industry. Our goal is and has always been to see that  
16 the workers in this industry are treated fairly, able  
17 to earn good wages, have good benefits, be able to  
18 perform their job safely and effectively. Local Law  
19 199 will see its implementation rolling out this fall  
20 and winter, and I am hopeful that the improvements  
21 are seen in the current unrealistic routing of  
22 collection routes that are all too common in the  
23 industry. Workers need to be trained and have proper  
24 tools and equipment to do their job safely and  
25 effectively. This is a benefit not only to the

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1  
2 workers but to the residents of New York City as  
3 well. Safely operating vehicles driven by trained  
4 professional workers will benefit all. Teamsters  
5 Local 813 has and will continue to be a voice for the  
6 workers in this industry. Legitimate union  
7 representation continues to be essential for these  
8 workers, and we will stand by them. I am concerned  
9 that some of the awardees are non-union employers or  
10 employers associated with questionable unions. It is  
11 important that workers have a voice in this industry  
12 and, quite often, that voice is through their union  
13 representation. Local 813 remains committed to work  
14 with DSNY Administration, New York City Council and  
15 the Solid Waste Committee to be able to come up with  
16 commonsense solution to issues in the commercial  
17 waste industry. Local 813 supports Intro. 352, the  
18 creation of a Commercial Waste Zone working group.  
19 This is a logical step in the process and can serve  
20 as a way to make sure all aspects of Local Law 199  
21 are being adhered to. Teamsters Local 813 is  
22 confident that these reforms and implementing working  
23 groups will improve current conditions.

24 SERGEANT-AT-ARMS: Thank you so much. Your  
25 time has expired.

1  
2                   CHAIRPERSON ABREU: You have another 15  
3 seconds.

4                   DANIEL WRIGHT: Confident that they will  
5 create further good union jobs in the commercial  
6 waste industry. We are here for the workers of this  
7 industry and look forward to participating in  
8 solutions and continuing improvements. Thank you.

9                   CHAIRPERSON ABREU: Thank you. Next, we  
10 have Joyce Bialik from the Upper West Side.

11                   SERGEANT-AT-ARMS: Starting time.

12                   JOYCE BIALIK: Yes, so dear Council  
13 Members and others, I am Joyce Bialik, and I'm a  
14 member of the Manhattan Solid Waste Advisory Board  
15 and WE ACT for Environmental Justice. I'm testifying  
16 on behalf of myself to support Intro. 696 and to  
17 recommend certain improvements in the bill. Intro.  
18 696 establishes organic waste composting facilities  
19 in each borough to produce 180,000 wet tons of  
20 organic waste annually. This level of composting will  
21 help correct the current imbalance that favors  
22 anaerobic co-digestion over compost. The compost also  
23 will be a correction of that produced by Sanitation  
24 in Staten Island where plastics are part of the  
25 content. Plastics are not permitted at the new

1  
2 composting facilities. So positive so far, but my  
3 main concern is whether large numbers of residents  
4 will be adjusting their habits to divert their food  
5 scraps from their trash. A recent survey by WE ACT  
6 looked at impediments to such habit changes. We found  
7 that many people were misinformed about food scrap  
8 diversion and rodents and insects. Separating food  
9 scraps from trash does not increase rodents and  
10 insects in our midst. In fact, many residents require  
11 instructions about where to safely keep their food  
12 scraps in the kitchen. Such concerns could explain  
13 the very low diversion rates in Queens and Brooklyn  
14 of less than 5 percent. My question is, what's the  
15 value of more places to capture food scraps when a  
16 large number of our citizens are not participating in  
17 the program? So a good answer is reaching out and  
18 educating folks about best food scrap diversion  
19 practices and the reasons why our participation can  
20 lessen climate change. WE ACT and the Manhattan SWAB  
21 prepare...

22 SERGEANT-AT-ARMS: Thank you so much. Your  
23 time has expired.

24 JOYCE BIALIK: Okay, quick, quick, quick.  
25

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2                   CHAIRPERSON ABREU: Yeah, please wrap up.  
3 Thank you.

4                   JOYCE BIALIK: Okay, a presentation to  
5 address these issues, but DSNY needs to take outreach  
6 and education across the entire city if we want to  
7 use our composting options. Thank you. Bye.

8                   CHAIRPERSON ABREU: Thank you, Joyce.  
9 Clare Mifflin is next.

10                   SERGEANT-AT-ARMS: Starting time.

11                   CLARE MIFFLIN: Thank you. I'm Clare  
12 Mifflin, Executive Director of the Center for Zero  
13 Waste Design and a member of the Save Our Compost  
14 Coalition. I'd like to thank the Council for their  
15 support of re-funding community composting and note  
16 that I am firmly in support of Bill 696 to establish  
17 a community composting facility in each borough.  
18 Although the Commissioner said that they can't even  
19 give away all the compost they make, I think that's  
20 because she's talking about the compost from Staten  
21 Island, which is not of the same quality as the  
22 compost you get from the community composters. They  
23 don't allow plastic bags when you drop off, so  
24 there's no bits of plastic in the compost. They also  
25 have more food scraps, so it's a more highly



1 nutritious compost, and they also work with the  
2 communities to apply and all their compost gets used  
3 in school gardens, community gardens, rain gardens,  
4 and street trees so I think we really need to focus  
5 as a City on making our city greener, applying that  
6 compost to all the degraded soils we have citywide,  
7 and then we will need to, just as this bill suggests,  
8 ramp up community composting locally in each borough.  
9 I do think the size requirement should be reduced to  
10 start with to maybe like 300 tons a year to start and  
11 then phased in through integration with Parks and  
12 Park waste and Park maintenance facilities. I'm also  
13 in support of commercial waste zoning, but I'm  
14 concerned that it has to definitely include robust  
15 data requirements and, while it includes incentives  
16 for businesses to separate recycling and food waste,  
17 there are no such incentives for carters. If it's  
18 cheaper for them to trash the food scraps rather than  
19 send it to organics facilities, what is the incentive  
20 for them to do just that? Also, I really care about  
21 the quality of public space and sidewalks. I mean, I  
22 think everybody has seen the proliferation of waste  
23 bins on our sidewalks in front of storefronts  
24 impeding the quality of that business and the quality  
25

1 of life of the sidewalk, and so I think commercial  
2 waste zoning should require some kind of incentive...

3  
4 SERGEANT-AT-ARMS: Thank you so much. Your  
5 time has expired.

6 CLARE MIFLIN: Okay, I'll do it in 15  
7 seconds. Shared containers in the street I think  
8 should be part of commercial waste zoning and using  
9 the marine transfer stations to reduce negative  
10 impacts to EJ communities. I'm in support of Bill  
11 0352 of a working group, and I can't understand why  
12 the Commissioner is not enforcing commercial organic  
13 separation. I keep saying McDonald's, Carver,  
14 Starbucks, there's no organics bins outside their  
15 stores. I don't know why this isn't being enforced.  
16 Thank you so much. Bye.

17 CHAIRPERSON ABREU: Thank you, Clare. Next  
18 up, we have Andrew Rigie from the New York City  
19 Hospitality Alliance.

20 SERGEANT-AT-ARMS: Starting time.

21 ANDREW RIGIE: Hello, Mr. Chair, Council  
22 Members, Staff. My name is Andrew Rigie. I am the  
23 Executive Director of the New York City Hospitality  
24 Alliance. We represent restaurants and bars and  
25 nightclubs across the five boroughs and just wanted

COMMITTEE ON SANITATION AND SOLID WASTE  
MANAGEMENT

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1 to follow up on the testimony I submitted regarding  
2 Intro. number 352, which establishes the Commercial  
3 Waste Zone working group. I'd been appointed and  
4 worked with the previous zone waste committee or  
5 working group for several years and then was involved  
6 in the creation of the law through the Council.  
7 Reading this legislation, I mean, we think a working  
8 group is an important idea to have that type of  
9 feedback and oversight but, unless we missed it,  
10 while it has a pretty diverse group of stakeholders  
11 that are appointed, I do not see any small business  
12 representatives so we would urge the Council to amend  
13 the bill to ensure that a variety of small business  
14 representatives are appointed to this committee,  
15 particularly from the food service industry, and we  
16 would obviously be honored to serve and be able to  
17 provide a lot of important perspective, value, and  
18 feedback. We've already been in discussions with the  
19 Department of Sanitation, and I think we have just  
20 scheduled our first presentation for restaurants and  
21 other affected small businesses on what to expect.  
22 Obviously, it's first in that District in Queens, but  
23 then as it expands throughout the rest of the city,  
24 we will certainly be kind of front and center hosting  
25

1 seminars and forums for business owners so they know  
2 what to expect, how to comply and navigate through  
3 this major transition so that's all. I hope you will  
4 take our comments into consideration, and I will give  
5 the rest of my time back. Thank you.

6  
7 CHAIRPERSON ABREU: Duly noted regarding  
8 your testimony, Andrew. Thank you.

9 Justin Green is next.

10 SERGEANT-AT-ARMS: Starting time.

11 JUSTIN GREEN: Thank you, Chair, for you  
12 for your support for community composting. I'm the  
13 Executive Director of Big Reuse, and I'm here to  
14 testify in support of community composting, our  
15 community composting site remaining at Queensbridge  
16 and Intro. 696. Composting in New York City at scale  
17 is feasible. In Canada, there are multiple sites that  
18 compost 160 tons in in-vessel systems that are  
19 enclosed in buildings. That would be appropriate for  
20 New York City. The use of compost in the city  
21 actually is oversubscribed. Typically, when Fresh  
22 Kills composting site puts out that they are  
23 distributing, it is filled up in 24 hours, like the  
24 requests for compost are overwhelming. They can't  
25 fill all the demands for distribution. I think the

1  
2 issue here is more getting all the way to Staten  
3 Island from your community garden with the truck and  
4 to get that material back to your site so there is  
5 still a huge demand for composting in the city,  
6 whether it's from Fresh Kills or community composting  
7 sites. Really, the City needs to do a close  
8 examination before investing in more digestion as a  
9 solution for our food scraps. Composting is the best  
10 solution as far as we're concerned. Digestion has a  
11 number of issues. One, it supports methane  
12 infrastructure, natural gas infrastructure, instead  
13 of decommissioning it as quickly as possible, which  
14 is what we should be doing to fight climate change.  
15 It's not cost effective. It costs 50 million dollars  
16 for the National Grid interconnection at Newtown  
17 Creek, which only is going to heat 1,000 to 5,000  
18 homes. You could have installed a lot of heat pumps  
19 for 50 million dollars, and land applying the result  
20 in sewage sludge, biosolids is not a great solution  
21 with all the PFAS, microplastics, pharmaceuticals,  
22 heavy metals that end up in our combined sewer.

23 SERGEANT-AT-ARMS: Thank you so much. Your  
24 time has expired.

25 JUSTIN GREEN: Thanks.

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CHAIRPERSON ABREU: Please wrap up,  
Justin, if you need to.

JUSTIN GREEN: Great. So I think  
composting is feasible in New York City and should be  
what we're looking at, and it has so many other  
benefits. We looked at siting, when we're looking for  
sites, we looked at just yesterday, we were with  
environmental activists at National Grid site in  
Greenpoint, which is a huge brownfield that they  
created over decades of fossil fuel processing that  
could be converted into a composting facility that  
also helps bioremediate the soil and could also  
provide electricity through a solar farm. Thanks.

CHAIRPERSON ABREU: Thank you, Justin.  
Next, we have Jessica Walker.

SERGEANT-AT-ARMS: Starting time.

CHAIRPERSON ABREU: Jessica Walker, are  
you on?

All right. Since she is no longer with  
us, we have no more members of the public wishing to  
testify. This hearing is hereby adjourned. [GAVEL]

C E R T I F I C A T E

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



Date July 2, 2024