



sanitation

Kathryn Garcia Commissioner

Kathryn Garcia, Commissioner

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

**Tuesday, March 6, 2018
250 Broadway, Committee Room-16th Floor
10:00 A.M.**

Good morning Chair Reynoso and members of the City Council Committee on Sanitation and Solid Waste Management. I am Kathryn Garcia, Commissioner of the New York City Department of Sanitation. Thank you for this opportunity to testify on the City's efforts to fight rats through the Mayor's Neighborhood Rat Reduction Initiative, including the package of bills under consideration today. As Deputy Commissioner Schiff laid out, this initiative targets three areas of the City with the highest prevalence of rat activity, including: Grand Concourse in the Bronx, Chinatown/East Village/Lower East Side in Manhattan, and Bushwick/Bedford-Stuyvesant in Brooklyn. This inter-agency initiative aims to reduce rat activity by up to 70 percent in the targeted zones by minimizing food sources and available habitats.

DSNY is proud to join with our sister agencies to step up the fight against rats in New York City. This approach is unique because we are focused not only on eliminating rats through extermination, which the Health Department and other agencies will continue to do, but we are also deploying a broad set of strategies to eliminate conditions that allow rats to thrive. The best way to eliminate rats is to deprive them of food, including garbage in homes and litter on New York City streets. To this end, earlier this month DSNY completed replacing all remaining open wire mesh litter baskets in these zones with rat-resistant steel cans or compacting solar trash cans, which should meaningfully reduce rats' access to food sources compared to the current wire baskets. DSNY has also increased litter basket service and residential service in the most critical areas within the targeted areas.

Additionally, DSNY is part of a multi-agency initiative that is targeting private buildings, alongside DOHMH, DOB and HPD, to identify conditions that contribute to rat infestations, order owners to make repairs and issue violations when warranted. DSNY, DOHMH, and the Mayor's Office have also worked to develop comprehensive strategies to reduce rodent activity on City property in partnership with the Parks Department, DOE, and NYCHA. In addition, DSNY has focused on outreach and enforcement to promote waste management best practices, including separating organic waste. Just yesterday, we launched our first Bronx cohort of large apartment buildings participating in organics collection, including more than 150 buildings in the Bronx rat mitigation zone.

The proposed legislation considered by the Committee today will help the City achieve

these goals and will promote a healthier, safer and cleaner New York for all. I would now like to briefly discuss the legislation under consideration by the Committee today.

The first piece of legislation, sponsored by Chair Reynoso, amends Title 17 of the Administrative Code to require the Health Department to submit an annual report on the progress of rodent mitigation in rat mitigation zones designated by the Health Department. The Administration supports this proposal and looks forward to working with the Council to identify the appropriate timing and content for such reports.

Councilmember Chin has sponsored legislation that would amend Section 16-120 of the Administrative Code to require buildings with nine (9) or more dwelling units located in any rat mitigation zone, as determined by DOHMH, to place their refuse and recyclables out for DSNY collection after 4:00 a.m. on the scheduled day of pick-up. Currently, DSNY rule allows refuse and recycling to be placed out for collection no earlier than 4:00 p.m. the day prior to collection. However, this means that waste can be set-out for more than 12 hours overnight, exposed to the elements and offering a plentiful food source to rats. As Deputy Commissioner Schiff mentioned, rats are most active at night. The Department supports this bill, which would greatly reduce the time that garbage is placed out for collection on City sidewalks and reduce access to one of the greatest food sources for rats in the identified districts.

The third piece of legislation, sponsored by Councilmember Cumbo, requires all food service establishments, food manufacturers and food wholesalers located in a rat mitigation zone, regardless of square footage, to source separate and recycle organic waste in accordance with DSNY's rule relating to the recycling of commercial organic waste. This would be in addition to those entities already designated by rule pursuant to Local law 146 of 2013. Such requirements include that all organic waste be placed in containers that have a lid and latch, lock, or other fastening or sealing mechanism or cord that keeps the lid closed and is resistant to tampering by rodents or other wildlife. The Department supports this bill.

The next piece of legislation, Intro 203-A, would increase the fines for repeat violators of the City's littering law found in Section 16-118(1)(a) of the Administrative Code. This Councilmember Matteo sponsored legislation would increase the minimum penalties for a second, third and subsequent offense within a 12-month period. While DSNY supports the intent of this legislation to increase penalties for persistent litterers, unfortunately such repeat violations are difficult for our agents and officers to issue and personally serve. The Department looks forward to working with City Council to improve the efficacy of our littering law.

The next bill under consideration by the Committee today, also sponsored by Councilmember Chin, would require food service establishments to hose down the sidewalks and curbs when liquid leaks onto the sidewalks and curbs from waste that has been collected. The law currently requires that commercial establishments clean the sidewalk and the area extending eighteen inches into the street of all debris at two designated times during the day. Additionally, DSNY can issue violations for spillage conditions at any time. However, this legislation would place an affirmative requirement on the food establishment to clean the sidewalk in accordance with the parameters set forth in

the legislation. The Administration looks forward to working with City Council to ensure that our sidewalks remain clean without causing any issues with our sewer system.

Public Advocate James is the sponsor of the next bill under consideration today which provides that no new building or alteration permit shall be issued or renewed for a site located in a rat mitigation zone designated by DOHMH unless the applicant demonstrates to DOB that rodent abatement measures acceptable to DOHMH have been taken at such site. While demolition companies are already required to hire licensed exterminators to perform pre-demolition extermination, the Administration is open to working with the Council and our Public Advocate to address the issues related to rat activity in and around construction sites.

Now we will turn to the topic of illegal dumping and improper disposal which are important topics for DSNY. Section 16-119 of the Administrative Code currently prohibits any person to dump any amount of material that is transported in a motor vehicle to be dumped in any publicly- or privately-owned area. Over the past few years, DSNY enforcement personnel have observed an increase in the incidents of illegal dumping throughout the City. In order for DSNY to issue a violation, DSNY must actually observe the materials being unloaded from a dump truck or other vehicle being illegally dumped. DSNY believes that increasing the criminal and civil penalties imposed for the act of illegal dumping will significantly help deter this unscrupulous activity by individuals wishing to avoid payment of proper disposal costs for their unwanted material.

In addition, under Section 16-120(e) of the Administrative Code, DSNY has the authority to issue summonses to persons who dispose of their household or commercial refuse in public litter baskets. This provision also contains a rebuttable presumption that any name or other identifying information indicated among the contents improperly disposed of is the person responsible for unlawfully placing such material in the public receptacle. This allows DSNY to issue violations to such persons without having to directly observe the violation occurring. However, DSNY can currently only issue these violations when a person improperly disposes of his or her refuse directly into the public litter basket, but not the area surrounding or alongside the public litter basket. The expansion of the rebuttable presumption to cover household or commercial refuse improperly placed in other publicly- or privately-owned areas will give DSNY another important tool to combat this quality-of-life issue.

This piece of legislation will enhance DSNY's goal of curbing illegal dumping and improper disposal in New York City, as well as reduce the potential food sources for rats.

Thank you for this opportunity to testify. My colleagues and I will now be happy to answer your questions.



Testimony

of

Corinne Schiff

Deputy Commissioner, Environmental Health

New York City Department of Health and Mental Hygiene

before the

New York City Council Committee Sanitation and Solid Waste Management

March 6, 2018
250 Broadway
New York, NY

Good morning Chairperson Reynoso and members of the Committee on Sanitation and Solid Waste Management. I am Corinne Schiff, Deputy Commissioner for Environmental Health at the New York City Department of Health and Mental Hygiene. On behalf of Commissioner Bassett, thank you for the opportunity to testify on the Mayor's Neighborhood Rat Reduction Initiative.

In July 2017, Mayor de Blasio announced a \$32 million, multi-agency effort to reduce the rat population in neighborhoods with the highest burden of rat activity. The Initiative builds on decades of rat control work at the Health Department and relies on evidence-based practices to target the most infested areas of the city.

Rats thrive when they have ready access to food and water, a place to live and effective transportation routes. That means that reducing the rat population requires managing garbage, eliminating nesting areas and repairing cracks and holes in sidewalks and buildings. Safe, targeted baiting is the final piece of an effective integrated pest management program, known as IPM. Rats do not observe the property lines we've created or distinguish between public and private ownership. Nor do they operate during business hours. We all know rats come out at night. To be successful, then, everyone in a neighborhood must work together, across our usual boundaries and in times and places that matter most to rats.

The Department's approach to rat control is multi-pronged and data-driven. In our "rat indexing" program, inspectors walk block by block to check every property for signs of rats and conditions conducive to rats. We also inspect properties in response to complaints. When rat signs or rat conditions are observed, property owners receive Commissioner's Orders requiring them to remediate and, if they fail to comply, are issued violations subject to fines. Our licensed pest management professionals conduct exterminations, and in our Rodent Academy, we offer

free classes for property owners and managers to learn IPM techniques. We publish guidance materials in multiple languages on rat reduction and prevention, and we make inspection results available online on the Rat Information Portal.

Our inspection data enables the Department to analyze which neighborhoods in the City carry the heaviest rat burdens. Using those data, and knowing that successfully combatting rats requires collaboration, in 2015 the Department dramatically expanded its pilot Rat Reservoir program to bring enhanced rat control to 45 communities across the City.

A Rat Reservoir is an area that provides an ideal ecosystem for rats; even if a significant number of rats are eliminated, the rat population is quickly replenished, making long-lasting reduction especially challenging. In each Rat Reservoir, our inspector conducts a detailed, block by block survey of rat activity and conditions that can support rats; and a case manager trains building managers in IPM, works with Business Improvement Districts to address litter and activate neighborhood businesses, works with sister agencies to address issues on public property, and provides technical assistance to property owners ordered to remediate. Where a property owner fails to comply with a Commissioner's Order to conduct baiting, the Department's pest management professionals will conduct those exterminations and bill the owner for the work.

The Rat Reservoir Program has had excellent results. In just over two years, ten of the 45 Rat Reservoirs – more than 20% – launched in 2015 have “graduated,” and we've achieved an 80% reduction of rat signs and conditions conducive to rats in 15 of the parks within the Rat Reservoirs. We continue to monitor areas that have been graduated to ensure that the reductions in rat activity are maintained.

We know that some areas of the city, though, need even more intensive support to

address the underlying, structural and behavioral conditions that support high rat populations. In July of 2017, the City launched the Neighborhood Rat Reduction Initiative, which expanded the areas of focus around 15 Reservoirs located in core areas of the Bronx, Brooklyn and lower Manhattan. These three areas – the Grand Concourse in the Bronx; Bushwick and Bedford Stuyvesant in Brooklyn and the East Village, Lower East Side and Chinatown in Manhattan – have higher rates of rat activity than other areas of the city. The Neighborhood Rat Reduction Initiative includes a renewed focus on reducing rat activity within NYCHA developments, around schools, and in parks in these designated areas and has a broad focus on reducing rats' access to food.

The Mayor's Neighborhood Rat Reduction Initiative brings together multiple city agencies to provide that concentrated effort. This portfolio of work includes improving garbage management through increased trash pick-ups, placement of rat-proof and rat-resistant waste containers in parks and on sidewalks, placing new trash compactors in NYCHA developments, and improving school garbage management. Under the Initiative, a stoppage team is repairing cracks and holes to make it harder for rats to emerge above ground, and concrete rat pads will cover dirt basement floors in NYCHA to eliminate nesting areas. Multi-agency inspections in buildings with significant rat activity are holding private-property owners accountable, and targeted exterminations in parks and other city-owned infrastructure will help eliminate rats. We were excited to announce just yesterday the Health Department is launching dry ice extermination in parks, a method that promises to be extremely effective at killing rats quickly and painlessly, while also avoiding secondary effects on wildlife such as hawks.

We are confident that this comprehensive effort to address neighborhoods burdened by high rat activity will achieve long-term improvements. But we can only truly succeed if everyone

works together. The suite of legislation to be introduced will support key parts of the program and is fundamental to its success. We want to thank the Council for being a critical partner in this exciting initiative.

Thank you again for the opportunity to testify. I would be happy to take questions. Commissioner Garcia will first address the legislation under consideration today.

Friday, March 2, 2018

**Comments of the New York City Hospitality Alliance to the New York City Council's
Committee on Sanitation and Solid Waste Management**

The New York City Hospitality Alliance ("The Alliance") is a not-for-profit trade association representing thousands of eating and drinking establishments in the five boroughs that would be impacted by:

Int 203 - In relation to increasing penalties for littering.

Pre Int - In relation to requiring the cleaning of liquid generated by trash placed curbside for collection.

Pre Int - In relation to rat mitigation zones.

Pre Int - In relation to organic waste requirements applicable to food service establishments, food manufacturers and food wholesalers in rat mitigation zones.

Pre Int - In relation to abating rodents as a requirement for the issuance of certain construction permits.

Pre Int - in relation to rat mitigation progress in rat mitigation zones.

The Alliance seeks to work constructively with the City Council on legislative matters impacting our members' businesses. However, we do not recall receiving a notice of public hearing for these proposals. We further understand that an invitation to testify was sent to certain stakeholders on February 28, 2018, which provides only a few weekdays notice to prepare for the public hearing. This does not provide us sufficient time to review these proposals and submit constructive testimony. Therefore, regardless of any merits of these proposals we stand opposed and suggest the Committee reschedule this hearing for a later date.

We sincerely hope the Committee on Sanitation and Solid Waste Management will provide adequate notice to the public in the future before asking us to testify on matters for which we are stakeholders.

Respectfully submitted,

Andrew Rigie
Executive Director
NYC Hospitality Alliance
arigie@theNYCalliance.org

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/6/18

(PLEASE PRINT)

Name: Kathryn Garcia

Address: DSNY Commissioner

I represent: DSNY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Corinne Schiff

Address: Deputy Commissioner

I represent: Environmental Health

Address: DOHMH

Please complete this card and return to the Sergeant-at-Arms