

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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January 29, 2019
Start: 1:06 p.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Chaim M. Deutsch
Rafael L. Espinal
Paul A. Vallone

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

Commissioner Dan Brownell, Business Integrity
Commission, BIC

Noah D. Genel, Deputy Commissioner of Legal Affairs,
Business Integrity Commission, BIC

Sean Campbell, President, Teamsters Local 813

Anthony Carmona, Sanitation Worker, Viking
Sanitation, Brooklyn

Chio Valerio Gonzalez, Director of Campaigns, ALIGN

Donmar Patterson Sanitation Worker

Manuel Matese Sanitation Salvation Worker

Allen Henry, Past Private Sanitation Industry Worker
& current Organizer, Teamsters Union

Pedro Garcia, Worker, Sanitation Salvage

Alex Almonte, Worker, Sanitation Salvage

Eduardo Lesen. (sp?) Worker, Sanitation Salvage

Steven Changaris. National Waste and Recycling
Association, New York City

Kendall Christensen, Executive Director, New Yorkers
for Responsible Waste Management

Zach Steinberg, Vice President, Real Estate Board of
New York, REBNY

Calvin Andrews, Worker for Sanitation Salvage since 2011

Percy James, Sanitation Worker

Alexis Robinson Former Employee of Sanitation Salvage

Melissa Esham, Senior Staff Attorney, Environmental Justice Program, New York Lawyers for the Public Interest

Eric Goldstein, New York City Environment Director, Natural Resources Defense Council

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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2 [sound check] [pause] [gavel]

3 CHAIRPERSON REYNOSO: Good afternoon. My
4 name is Council Member Antonio Reynoso, and I am the
5 Chair of the Council's Sanitation and Solid Waste
6 Committee. Today we will be hearing three bills
7 aimed at removing sham unions from the private
8 carting industry. By education workers on their
9 rights to organize and codifying the steps the city
10 must take when they suspect that wage theft is
11 occurring at a private carting company. As you have
12 heard me state many times before from this chair, the
13 private sanitation industry operates without regard
14 for the health and safety of its workers or city at
15 large, and I want to—I want to re—I want to restate
16 that for the record. Some in the sanitation industry
17 operate without regard for the health and safety of
18 its workers, and the city at large. In these cases,
19 routes are inefficient, safety standards are poor and
20 environmentally—environmentally unsustainable
21 practice in these companies. However, it is the
22 treatment of workers many of whom are immigrants or
23 formerly incarcerated individuals, some of the most
24 vulnerable members of our society that I found most
25 tragic, but I want to be clear. It is not only the

2 companies themselves that are complicit in this
3 disgraceful behavior. It is many of these shops and
4 it is the very unions that are supposed to represent
5 and protect workers who are aiding and abetting their
6 mistreatment. It is important for me to clarify
7 exactly what type of union we're talking about here.
8 We are not talking about unions like the Teamsters,
9 DC37 or 1199, organizations that have a long history
10 of fighting for their members and delivering
11 meaningful benefits to workers. We have unwavering
12 support for these organizations in the city. Make no
13 mistake, New York has and always will be a union
14 town. What we are talking about today are sham
15 unions, organizations that are in collusion with the
16 company's ownership to prevent legitimate unions from
17 organization workers and ensure these workers never
18 receive meaningful benefits and protections from
19 their employers. Sham unions have also been used as
20 a vehicle for organized crime to retain a foothold
21 within the carting industry. As many of you are
22 aware, this industry was run by organized crime for
23 decades. Following the creation of BIC in the 1990s,
24 much of organized crime was rooted out of the
25 industry. However, BIC's oversight authority only

2 extends to companies—to the companies themselves not
3 to officers of these sham unions. This big gap in
4 BIC's oversight authority, has allowed organized
5 crime to continue working within the carting
6 industry. One of my pieces of legislation Intro 1329
7 would expand BIC's authority giving them the
8 necessary tools to investigate union officers within
9 the commercial waste industry. Intro 1368 sponsored
10 by Council Member Francisco Moya would require BIC to
11 post information regarding workers' rights on their
12 website and distribute this information directly to
13 employees of companies it regulates. We are also
14 aware of waste step that serious—that is serious
15 issue in this industry. A recent example being the
16 workers of Sanitation saw it in the Bronx who are
17 still owed hundreds of thousands of dollars in back
18 wages. While I expect—I expect BIC to already be
19 referring cases to the relevant enforcement agencies
20 where it suspects wrongdoing that falls outside of
21 its jurisdiction. The final bill we are hearing
22 today, Intro 1373 will codify this law into activity
23 or this activity into law. Today, we are going to
24 hear from workers who have been impacted by this
25 corrupt system of sham unions and worker

2 exploitation, how they haven't been paid, how they
3 work in some of the most dangerous and miserable
4 conditions imaginable—imaginable. How even when they
5 are paid, their wages hardly compensate for the back
6 breaking work that they're doing. How the unions
7 that are supposed to stick up for them turn around
8 and collude with management behind their back. I
9 want everyone in this chamber to ask themselves how
10 we as a city can continue tolerate a business that
11 behaves in this way in 2019. The time for reform is
12 now. I want to thank the Teamsters for bringing the
13 existence of sham unions to my attention and, of
14 course, Kiera Feldman from ProPublica for her
15 reporting on the connections these unions have to
16 organized crimes. I also want to thank the
17 Transform—the Trash Coalition for their continued
18 efforts in the fight for reform, and finally, I want
19 to thank Speaker Corey Johnson for his unwavering
20 commitment to ensuring that the status quo in the
21 private carting industry becomes a thing of the past.
22 With that, we're going to ask the Administration to
23 speak, ask BIC to speak, but first can you raise your
24 right hand to be sworn in.

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

6 COMMISSIONER BROWNELL: I do.

7 LEGAL COUNSEL: Thank you.

8 CHAIRPERSON REYNOSO: So, Commissioner
9 Dan Brownell and Noah Genel, please, whenever you're
10 ready.

11 COMMISSIONER BROWNELL: Thank you, Chair
12 Reynoso and Council Member Espinal. Thank you for
13 inviting us to testify at today's hearing. [coughs]
14 As this committee know well, the commercial trade
15 waste hauling industry can be dangerous for both its
16 workers and the public on our city streets. Drivers
17 and helpers in this industry have some of the most
18 physically demanding jobs of any industry. They work
19 long at time excessive hours. They carry heavy loads
20 and in too many companies, workers' safety takes a
21 back seat to making money. If ever there was a need
22 for a strong, fair union representation for workers,
23 it is in this industry. The Business Integrity
24 Commission originally named the Trade Waste
25 Commission, was created by Local Law in 1996 to ride

2 the trade waste hauling industry of the grip of
3 organized crime and various forms of corruption.
4 Trade waste for those who are new to the term is
5 essentially commercial garbage or waste. Soon after
6 BIC was created it was also given jurisdiction over
7 New York City's public wholesale markets. For the
8 past 23 years, BIC has fought with significant
9 success against organized crime and other criminality
10 in the industries it regulates. Over the last four
11 years, BIC has prioritized taking action related to
12 safety in the trade waste industry. Our experience
13 demonstrates that trade waste workers' safety is
14 closely related to safety for the public as a whole.
15 Therefore, the bill at issue or today the bills at
16 issue at today's hearing are extremely important to
17 everyone's wellbeing in the city. At BIC we strive
18 within our current powers to improve safety in the
19 industry. Since 2016, BIC has been a member of the
20 Vision Zero Task Force, which is part of Mayor's
21 Vision Zero Initiative to end traffic deaths and
22 injuries in New York City. Vision Zero was founded
23 on the assertion that every death or serious injury
24 involving a motor vehicle in the city is one too
25 many. The focus is on protecting the life of

2 everyone who lives in, works in and visits our city.

3 BIC has worked on a number of initiatives as part of

4 the Vision Zero Task Force including creating a

5 Universal Trade Waste Safety Manual developed in

6 collaboration with the industry. The safety manual

7 is available in English and Spanish, and has been

8 distributed throughout the industry. Some trade waste

9 companies are using the manual as a basis to develop

10 and improve their own safety plans, which we strongly

11 encourage all trade waste companies to do.

12 Unfortunately, not all trade waste companies have

13 safety in mind. One such example, as already stated

14 today is Sanitation Salvage whose trade waste license

15 we suspended for a period of time over the summer

16 when we found that the company posed an eminent

17 danger to the safety of everyone in the city

18 requiring drivers and helpers to work excessive hours

19 or risk losing their jobs is a recipe for disaster.

20 Worker abuse usually goes hand-in-hand with larger

21 safety problems at a company, and is one reason that

22 strong unions working tirelessly for their members'

23 rights are so important in this industry, and it also

24 shows why unions that do not have the best interest

25 of their members in mind, but rather are allied with

2 management, can be so dangerous. Excessive work
3 hours for drivers and helpers create a safety hazard
4 not just for the workers, but for everyone walking,
5 driving or cycling in the city. BIC has seen too
6 many instances where these workers are required to
7 work 13, 15 sometimes as many as 20 hours in a single
8 shift often working those shifts six days a week.
9 Companies operating in this fashion supply refuse to
10 expect—and just simply refuse to extend—expend the
11 money necessary to purchase sufficient trucks and
12 hire enough drivers and helpers to cover all of their
13 company pickups within a reasonable amount of time.
14 So, they cut the costs for themselves, place the
15 unfair burden on their workers and put everyone in
16 danger. Amazingly, many of these companies are union
17 shops, which begs the question: Whose interest are
18 they truly representing? BIC regularly works with
19 Locals 813 and 108, which represent many of the
20 workers in this industry. Through these locals and
21 other means, we have spoken with dozens of workers in
22 the industry to hear their complaints about work
23 conditions. Given the difficult conditions, unions
24 are essential to help protect the workers. Yet,
25 there are some unions purporting to represent the

2 workers in this industry, when they clearly, as we've
3 said, are aligned with management instead. Such
4 unions have been commonly characterized as sham
5 unions and they are a major problem in this industry.
6 Whether represented by a union or not, trade waste
7 workers need to know their rights. We support the
8 overall concept of Intro 1386 by Council Member Moya
9 regarding informing workers of their rights including
10 filing complaints with BIC. Of course, when we
11 receive such complaints, we follow up on them, and we
12 are committed to continuing to do so. We look
13 forward to working with the Council and the unions to
14 make this happen. We will also work with the
15 Department of Consumer and Worker Protection, which
16 already publishes a great amount of information
17 regarding workers' rights. We also support the
18 overall concept of 13-Intro 1373 by Chair Reynoso.
19 Workers allegations that their unions are working for
20 the benefit of management and not the workers raise
21 serious concerns about corruption in the unions in
22 the form of sweetheart deals, and kickbacks
23 sacrificing the safety and wellbeing of their
24 membership. Where we see these issues, we work with
25 the agencies that investigate these types of

2 offenses. It is important that we maintain the
3 discretion as to when, where and how we refer the
4 complaints. This will avoid duplicative
5 investigations, which is a waste of limited resources
6 and could actually harm the investigation. But we-
7 but you should know [coughs] that where we have
8 credible allegations of violations of workers'
9 rights, we do and will continue to work with the
10 proper agencies to investigate the claims and take
11 any appropriate action. Intro 1329 will provide
12 important tools for BIC in protecting works in the
13 trade waste industry. Currently, the Administrative
14 Code does not give BIC any explicit authority to
15 regulate unions in the trade waste industry. This
16 limits the amount of information we have regarding
17 which unions are operating in the industry, and
18 perhaps more importantly, who their officials are.
19 This circumstance has hampered BIC's ability to
20 identify corrupt actors in the unions. With Intro
21 1329, BIC will be able to require that unions
22 register with the Commission and disclose among other
23 things the names of all officer and agents of the
24 union. This allows us to do full background checks
25 of the union officials. [coughs] Under Intro 1329,

2 each officer of a union will be required to disclose
3 among other things all criminal convictions, any
4 pending civil and criminal actions to which the
5 officer is a party, and any criminal or civil
6 investigation that the officer has been the subject
7 of or was subpoenaed in connection with. The
8 connect—the Commission may disqualify an officer of a
9 labor union from holding office in certain
10 circumstances such as if the officer provides false
11 information to the Commission, has been convicted of
12 a racketeering activity or associated with a person
13 who has been convicted of a racketeering activity or
14 is associated with any member or associated or
15 organized crime. We know this system works because
16 we already register unions in the public wholesale
17 markets, and Intro 1329 is modeled under language in
18 the Administrative Code that authorizes BIC to do so.
19 This is not a cure-all, and it does not give BIC the
20 power to outst a particular union from representing
21 workers in the trade waste industry, but where—but by
22 requiring the union officials to submit to our
23 background check, we will learn a great deal about
24 who runs the union, and can disqualify officials who
25 should not be involved in this heavily regulated

1 industry. Unions that are free from corruption are
2 critical to the trade waste industry. Instead of
3 being beholden to management or organized crime's
4 influence, corruption free unions to negotiate fair
5 wages, safe working conditions, and medical benefits
6 for their members. Everyone benefits from that. We
7 look forward to working with you on Intros 1329, 1368
8 and 1373. We also look forward to working you on the
9 legislation that BIC has developed to expand BIC's
10 jurisdiction in the area of safety in the trade waste
11 industry and on legislation regulating commercial
12 waste zones. We will now gladly answer any questions
13 you might have.

15 CHAIRPERSON REYNOSO: Thank you,
16 Commissioner. We've also been joined by Council
17 Member Espinal and Council Member—Council Member
18 Vallone. Thank you for being here. [coughs] Thank
19 you for that testimony, and it seems that there's a
20 good level of support from the administration over
21 these bills. I guess a lot of them you answered in
22 your testimony, a lot of these questions. So, I'm
23 just going to go over them in more detail I guess so
24 we can get a clear answer. So, just in general does
25 BIC currently have the ability to take on regulation

2 of these unions? Like what authority do—does BIC
3 have at this moment of the unions that we're talking
4 about that we don't think represent their workers?

5 COMMISSIONER BROWNELL: In—in —what we
6 have the authority to do would be if we make a
7 finding against someone or a particular union. It's
8 difficult to do. It's a laborious process, and quite
9 frankly, one of the problems that we've had in the
10 investigations that we currently have, and we're not
11 doing them alone. We're doing them mostly with—with
12 federal labor related agency—law enforcement agencies
13 is knowing exactly who the officers and agents are in
14 a particular union, and that's been very frustrating,
15 and this bill goes directly towards addressing that.

16 CHAIRPERSON REYNOSO: So, right now, you
17 would either get a tip or someone would have to tell
18 you about something that's happening. If this law
19 was to pass, you would be able to be more proactive
20 about trying to figure these things out?

21 COMMISSIONER BROWNELL: Yeah, one of the
22 things that we do a little over a year ago, and I
23 wish we'd—I wish I'd started it sooner, is to develop
24 a better relationship with Locals 813 and 108, who
25 have provided us with lots of information about all

2 of these issues not just, of course, unions, but
3 also, you know, various circumstances with workers in
4 the industry and both those unions have been very
5 helpful to us in our investigations.

6 CHAIRPERSON REYNOSO: That's good. We--
7 well, we--we appreciate that, and we just want to make
8 sure that the work that's being done doesn't solely
9 rely on that relationship so I'm excited--

10 COMMISSIONER BROWNELL: [interposing] No.

11 CHAIRPERSON REYNOSO: --that we could
12 extend it.

13 COMMISSIONER BROWNELL: No, we also get
14 lots of information from the other labor related laws
15 enforcement agencies. Obviously, they don't just
16 cover the trade waste industry, but they cover a
17 number of industries.

18 CHAIRPERSON REYNOSO: So, to--to use it as
19 an example especially related to Intro 1373, just a
20 general question. Has BIC ever found evidence of
21 labor violations or wage theft?

22 COMMISSIONER BROWNELL: We haven't--we--
23 we've referred wage theft, and it's part of--we've got
24 another that named the unions we're looking into, but
25 we currently have two fairly large investigations

2 right now not only with federal labor law enforcement
3 agencies, but also with federal prosecutors, and so
4 we're working on those particular cases, and there's
5 more than you those issues.

6 CHAIRPERSON REYNOSO: So, given that you
7 might not have the authority let's say to—to do some
8 of this work, what you tend to do is always find the
9 relative agency that would be in charge of doing an
10 investigation and so forth and making sure that
11 you're working alongside them to—to follow through on
12 a lot of these.

13 COMMISSIONER BROWNELL: Right, but I just
14 want to make it clear that we don't just refer them.
15 We actually do the investigations with them. I mean
16 first of all, generally because we oversee this
17 agent—this industry as a whole, we're going to have
18 the best ability to contact workers. So, for
19 instance, you know, one of the big problems in this
20 industry that we found in the last couple of years is
21 off the books workers. You know, clearly they're not
22 getting paid appropriately. In fact, in some cases
23 they don't even make minimum wage, but there are much
24 larger issues such as safety. I mean the—the crash a
25 year ago in November with the Sanitation Salvage

1 truck with the young man that was an off-the-books
2 worker, clearly had never been trained and, you know,
3 as a direct result of that ended up getting run over
4 and killed by the truck. I mean that's an extreme
5 example, but it's a very real example of what happens
6 in this industry with off-the-books workers, and we—
7 we—I don't have statistics for you, but I think that
8 it's unfortunately and all too common practice
9 especially by companies that are looking to, you
10 know, cut expenses at the expense of their workers.

12 CHAIRPERSON REYNOSO: So, speaking of
13 sanitation salvage, have—I guess I want to ask like
14 two questions because—so they can all get asked is
15 have you found any cases in which Sanitation salvage
16 was involved in wage theft and specifically what have
17 you done with any of any evidence that that is the
18 case, and were they referred to any other law agent?
19 Just in general for folks to get a better
20 understanding of what's happening with Sanitation
21 salvage, and just for my take like we're on this—what
22 we understand is that they are trying to relieve
23 themselves of any responsibility over the lack of
24 pay, sick days and vacation days of their workers at

2 Sanitation Salvage. So, they're trying to just-just
3 wipe them off the books.

4 DEPUTY COMMISSIONER GENEL: So, that's
5 a current investigation we're doing, and so I don't
6 want to say too much. The only thing I would say,
7 and we've already spoken to many, many workers in
8 this industry some of whom I recognize in the galley.
9 But if there are people that have additional
10 information, you should contact us directly at 212-
11 what is it? 437-0500, and I know through both 813
12 and the other unions, the more people that we get to
13 come forward and provide us with information, the
14 better.

15 CHAIRPERSON REYNOSO: So, I-I won't go
16 deeper. If it's under investigation, I don't want to
17 put you in a position where you either can't say
18 something or-or-or say too much. What about safety
19 violations? So, outside of worker pay or wage theft,
20 when there's a worker safety issue, how does BIC
21 respond to that, and what authority does BIC have
22 related to safety.

23 DEPUTY COMMISSIONER GENEL: Well, we'd
24 like to get more, and as the Chairman knows, there's
25 a bill that's-that's hopefully will be pending soon,

2 but, you know, and—and we're not the first to say
3 this. Quite frankly, I think Sean Campbell was the
4 first to say this with regard to work hours, but one
5 of the things I can say about the Sanitation salvage
6 investigation at least as it goes up to this point,
7 and I can say it because it's part of the public
8 record of the hearing that was held in late August
9 and it'—and the full decision of the Commission is on
10 our website is that we found over a couple—only over
11 a few months. I think it was a 3-month period
12 literally hundreds of examples of drivers being
13 forced to work shifts that were in violation of the
14 Federal Motor Carrier Rules, and those Rules I think
15 are, you know, allow too many hours. Those rules are
16 really more geared towards, you know, long-haul
17 tractor-trailer drivers--

18 CHAIRPERSON REYNOSO: [interposing] Uh-hm,
19 right.

20 DEPUTY COMMISSIONER GENEL: --which is a
21 very different kind of work than, you know, running a
22 garbage truck where you're getting in and out, where
23 you're lifting things, and so that is certainly one
24 of the things, and I really want to work with—with
25 this committee and with the Law Department to figure

2 out a way--and I don't want to wait until waste zone
3 collection--

4 CHAIRPERSON REYNOSO: [interposing] Yes.

5 DEPUTY COMMISSIONER GENEL:--which will
6 make it easier to do that kind of, you know, compel
7 those kinds of safety protocols, but we-- If--if we
8 could as just one thing, cut down the hours that
9 drivers and helpers are forced to work to reasonable
10 hours, that would go a long way to creating more
11 safety in this industry. I'm not saying that's where
12 we would stop, but that to me is critical.

13 CHAIRPERSON REYNOSO: Can--so what about
14 workers rights? So a big problem that we're having,
15 and I remember two employees from a Five Star--

16 DEPUTY COMMISSIONER GENEL: [interposing]
17 Five Star.

18 CHAIRPERSON REYNOSO: --were here. They
19 testified.

20 DEPUTY COMMISSIONER GENEL: Right, and--
21 and Life 890.

22 CHAIRPERSON REYNOSO: They got fired--

23 DEPUTY COMMISSIONER GENEL: [interposing]
24 Right for coming forward.

2 CHAIRPERSON REYNOSO: --on Monday. So,
3 we had to go to a rally on Monday to fight for their
4 jobs back. They got their jobs back, and, you know,
5 the way these companies work were given certain perks
6 and--and short-term rewards to come back and stay
7 quiet.

8 COMMISSIONER BROWNELL: Yeah, almost like
9 a pay-off.

10 CHAIRPERSON REYNOSO: Like a pay-off.
11 Right, but what they didn't know were their rights--

12 COMMISSIONER BROWNELL: [interposing]
13 Right.

14 CHAIRPERSON REYNOSO: --and even though
15 they were informed by unions that know what they're
16 doing of what their rights are that they're allowed
17 to testify related to issues that they're having in
18 their company without the fear of--of expulsion.

19 COMMISSIONER BROWNELL: Right.

20 CHAIRPERSON REYNOSO: What--what role do
21 you play, does the BIC play in relation to educating
22 and informing workers of their rights related to--to I
23 guess to--to unionizing?

24 COMMISSIONER BROWNELL: Well, just sort
25 of anecdotally, you know, when we started talking

1
2 with workers in the last year or so, it was amazing
3 to me the misinformation that is told to workers by
4 some of these other unions and by the owners of
5 companies, and it is just amazing how they don't
6 really know that to do, and that's why, you know, I-I
7 think Council Member Moya's bill and we're going to
8 work with-DCA already does. I know it's not called
9 DCA any more, but they already do a lot of this
10 stuff. I know with Locals 813 and 108 we'll put
11 together a comprehensive bill of rights, and then
12 mandate that every company post those. You know,
13 almost like the safety things that they have to do
14 for OSHA in very conspicuous places in their company
15 so that workers can see exactly what their rights are
16 and, of course, have our number to call if they have
17 something to report.

18 CHAIRPERSON REYNOSO: So, at times I'm
19 often critical of our-the safety symposiums that are
20 put together that BIC participates in, but just want
21 to talk about how the-the symposium itself have there
22 been conversations about like these bill of rights
23 and-and how these companies should be using them. Has
24 there been an actual effort to look at safety and-and
25 maybe posting these rights be something that was

2 encouraged before this law, let's say, was even
3 enacted.

4 COMMISSIONER BROWNELL: [interposing] You
5 know, I don't. To be perfectly honest, I don't
6 remember it coming up at a symposium. It certainly
7 will now, and it will, you know, in the symposiums,
8 there's nothing about the symposiums that are
9 mandatory. We don't have the authority to do that.
10 Quite frankly, we don't reach enough companies. We
11 reach the larger companies. Companies that we have
12 concerns about we never see. We never see the
13 owners. We never see the workers. That doesn't
14 work. You know, even with the—the safety manual
15 that's all voluntary, and it was—and—and I noticed in
16 the testimony it wasn't just BIC and the—and the
17 industry that worked on that, but it was also
18 everyone else involved from the advocates and other
19 people to put together, you know a pretty
20 comprehensive concise manual, but, you know, that's
21 the kind of thing and—and hopefully this—I don't want
22 to sound like a broken record, the safety bill gets
23 through. But that's one of the things that we can
24 mandate that every company provide to us their
25 written safety plan based on the manual as a guide.

2 At least that assures that companies are thinking
3 about safety. Many of the larger companies--well, I
4 should say just the larger companies, many of the
5 companies do, but it's clear to me that there are far
6 too many that don't.

7 CHAIRPERSON REYNOSO: So, should we pass
8 the--

9 COMMISSIONER BROWNELL: [interposing]
10 Council Member--

11 CHAIRPERSON REYNOSO: [interposing] Yeah,
12 go ahead.

13 COMMISSIONER BROWNELL: May I just also
14 mentioned that of the five safety symposiums that
15 there have been plus one workshop, which was a Train
16 the Trainers even that just happened a couple of
17 weeks ago regarding the safety manual, in one way or
18 another working safety has been discussed at every
19 one of those. If not necessarily talking about the
20 Bill of Rights, but driving on the city streets and
21 various forms of safety equipment and other equipment
22 for the vehicles. So that is something that has been
23 discussed at every one of those safety symposiums,
24 and just one other thing about the Bill of Rights.
25 The Commissioner said--talked about requiring that it

2 be posted at every company. We'll, of course do
3 whatever we can within the bounds of the law. There
4 may—we have to take a look at what we can require
5 with respect to posting things, but we certainly will
6 look at it.

7 CHAIRPERSON REYNOSO: My goal has always
8 been that if we're going to have a safety symposium
9 that we—we figure out a way to make recommendations
10 that come from that mandatory, right. Like that
11 would be the ideal—the ideal setup. Until we get
12 there or until we can get there, it doesn't mean we
13 should have them. So, as I understand and I respect
14 that.

15 COMMISSIONER BROWNELL: Yes.

16 CHAIRPERSON REYNOSO: So, I really think
17 that this Bill of Rights conversation that we have
18 here kind of speaks to wanting to do that.

19 COMMISSIONER BROWNELL: Right.

20 CHAIRPERSON REYNOSO: Making their
21 recommendations more permanent.

22 COMMISSIONER BROWNELL: Right, and one of
23 the big things is equipment in the industry. So, I
24 mean for one thing, you know, minimal mirrors. I
25 mean that's easy. It's not that expensive, but, you

2 know, as-as I'm learning slowly because obviously I
3 don't run a garbage company, the cost of cameras has-
4 and-and the improvement in the technology and the-and
5 the lowering of price I think for one thing as there
6 are more, you know companies competing that's
7 actually now a possibility of something that we would
8 require in the industry, and from what I can tell
9 and-and Noah has sort of run this in terms of
10 dissecting various crashes with the NYPD and TLC and
11 other people is that the biggest problem is that
12 drivers don't see, and cameras, of course, go a long
13 way in -in allowing a driver to essentially see all
14 the way around a truck.

15 CHAIRPERSON REYNOSO: A-a big part or a
16 concern of mine always when it comes to the-the work
17 that we're doing related to reform or any changes
18 that we're making is that a lot of the mistakes or-
19 ore the mishaps that have been in this industry by
20 the drivers comes from the fact that they're being
21 overworked. They're working the hours. They're
22 working late shifts. It's cold. Their equipment is
23 shoddy--

24 COMMISSIONER BROWNELL: Right.

2 CHAIRPERSON REYNOSO: --if they even have
3 it. Their trucks are old in some cases. Some of them
4 are not even being provided with basic safety
5 equipment like gloves, boots or-or-or a-what is it?
6 A vest, a safety vest--

7 COMMISSIONER BROWNELL: Right.

8 CHAIRPERSON REYNOSO: --and then they get
9 into and then they--something happens. They get the
10 tickets. They get the summonses. They get in
11 trouble, and the company walks away--

12 COMMISSIONER BROWNELL: Yeah.

13 CHAIRPERSON REYNOSO: --you know, without
14 having to worry about the fact that maybe their
15 summonses is more than two days worth of pay for
16 these people that are in the back of a truck that are
17 off the books maybe. So, just want to really
18 continue to emphasize in whatever we do that if the
19 companies do right by their drivers, their drivers
20 end up having less moments where they're in positions
21 where they're having to pay for summonses or
22 vehicles.

23 COMMISSIONER BROWNELL: Right. You can't
24 tell me that a driver that's been, you know, sitting
25 behind the wheel and getting in and out on the stops

2 that's been there for more than let's say 11 hours
3 doesn't essentially become a zombie behind the wheel.

4 CHAIRPERSON REYNOSO: Yeah, yeah exactly
5 and then I think the responsibility of that falls on
6 the company.

7 COMMISSIONER BROWNELL: Yes, it does.

8 CHAIRPERSON REYNOSO: And I mean a driver
9 telling the company look, I'm very tired, I'm going
10 to just, you know, not does these last 200 stops or
11 something.

12 COMMISSIONER BROWNELL: Right.

13 CHAIRPERSON REYNOSO: They'll—they'll be
14 fired. Their—their—it's their livelihoods here.

15 COMMISSIONER BROWNELL: I mean I know
16 you've seen some of the data that DSNY has collected
17 with regard to the commercial waste zone. I mean
18 some of those routes are absolutely absurd, and--

19 CHAIRPERSON REYNOSO: [interposing]
20 Right.

21 COMMISSIONER BROWNELL: --you know, that
22 takes a lot of time to do those routes, and it isn't
23 like they're switching out trucks and drivers and
24 personnel in the middle.

2 CHAIRPERSON REYNOSO: There was one-one
3 route where you need to go an average of 34 miles an
4 hour for 9 hours straight in order to do the entire
5 route without stopping.

6 COMMISSIONER BROWNELL: Yeah, that's not
7 right.

8 CHAIRPERSON REYNOSO: And for it--so 9
9 hours at 34 miles an hour. Can you imagine these
10 trucks barreling at 34 miles an hour--

11 COMMISSIONER BROWNELL: [interposing]
12 Right.

13 CHAIRPERSON REYNOSO: --on these local
14 streets, and that's non-stop. So, it's not like
15 there's a magnet behind the truck and the trash is
16 just getting put in by itself.

17 COMMISSIONER BROWNELL: Uh-hm.

18 CHAIRPERSON REYNOSO: So, you're thinking
19 that that route was 12, 13, 14 hours, and they were
20 probably driving a lot slower than 35. It's just--want
21 to just focus I guess the emphasis here is that
22 corporate responsibility makes it so that the
23 employees end up being more safe and it ends up being
24 better for everyone--

2 COMMISSIONER BROWNELL: [interposing]

3 Absolutely.

4 CHAIRPERSON REYNOSO: --but not putting
5 the onus on the workers. I want to—I have a couple
6 more questions, but I want to allow for my colleagues
7 to say a few words, and I know Council Member Vallone
8 has some questions. Council Member.

9 COUNCIL MEMBER VALLONE: Thank you,
10 Chair. Thanks for your work on these bills. Long
11 overdue. Commissioner, I thank you for your work and
12 I know we all appreciate when we come to the offices
13 and you inform us, and this is critical for all of us
14 in the city to learn, all the work that's happening,
15 and—and how difficult it is to reach certain parts of
16 the workforce. This is a perfect example. These two
17 bills would seem on the face of it long overdue,
18 right. You look—you look at Intro 1373 and 1368 to
19 inform the appropriate state and federal agencies if
20 there's reason to believe and post information on the
21 website. For those that are listening in, these—
22 these are the type that should have been done well.

23 COMMISSIONER BROWNELL: No, but we do
24 that.

2 COUNCIL MEMBER VALLONE: Well, whether
3 you do it or not, we have two bills in front of us
4 that we're—we're now saying to do that. So as
5 Council Members with the power to legislate, we want
6 to work with our agencies to make sure you have the
7 tools in that toolbox--

8 COMMISSIONER BROWNELL: Uh-hm.

9 COUNCIL MEMBER VALLONE: --to do what you
10 need to do, and make sure that we don't have to see
11 pieces of legislation that actually look like why the
12 hell haven't we had this before? Why haven't you had
13 the ability? So, what I want to give you opportunity
14 is—is working Chair Reynoso is to—how else can we
15 expand hose tools? Does your agency have the
16 ability with your employees that you have? Is this a
17 budgetary item that you're meeting to fight with in
18 the next few months? Is there additional just like
19 with the Safety Commission and the ways that the
20 Chair are talking about? In a lot of areas this is
21 long overdue, and I don't want to come back and tell
22 my constituents or folks well we-we kind of touched
23 it, but they didn't have the ability. Plus I also
24 don't like the federal, state and local scenario
25 because obviously our hands are tied with federal

2 authorities and state agencies, but we have 8.2
3 million city residents who want to make sure we have
4 the ability to step in and not just hand off the
5 ability to make the violations when necessary--

6 COMMISSIONER BROWNELL: [interposing]
7 Right.

8 COUNCIL MEMBER VALLONE: --when to step
9 in when necessary, take over an investigation when
10 necessary, and also reward the good practices, and I
11 think what the chair was getting into with these
12 contracts whether we're dealing with parks,
13 libraries, city waste, if you've got a good employer
14 and a good business doing the right thing and taking
15 care of its employees and getting safe trucks on the
16 street, there should be an ability to get that
17 contract and those good providers the services so
18 that we can get the best employees out there. So is
19 there any--two things. One is the resource battle to
20 the additional tools that we could fight for you, and
21 the last would be a good resource track record.
22 Would you support something like that?

23 COMMISSIONER BROWNELL: So, with regard
24 to resources, the thing I want to make sure you're
25 aware of is that in my now almost 4-1/2 years at BIC

2 when we need resources, City Hall has been very
3 responsive along with OMB. We're going to need
4 additional people. We've already communicated that
5 to OMB with regard to this bill, and I fully expect,
6 you know, just based on my past interactions with
7 them that we will get that. That will happen quite
8 frankly when the bill is passed. I mean we're
9 already putting together what our new needs are for
10 this, and we'll be ready to do that, but those
11 discussions with OMB will happen at that time, and I
12 know Chair Reynoso is very interested in getting this
13 through as quickly as possible. So, with regard to
14 the-to--

15 COUNCIL MEMBER VALLONE: [interposing]
16 And that's where we can help. You know, as Council
17 Members that's where we go and to bat for the budget,
18 and we step up and we use these examples as reasons
19 why to give the extent of resources.

20 COMMISSIONER BROWNELL: Right. So, with
21 regard to the-the-your other--

22 COUNCIL MEMBER VALLONE:

23 COMMISSIONER BROWNELL:

24 COUNCIL MEMBER VALLONE:

25 COMMISSIONER BROWNELL:

2 COUNCIL MEMBER VALLONE: [interposing]
3 Federal, State, Local and then also.

4 COMMISSIONER BROWNELL: [interposing]
5 Yes, the Federal, State and Local, that's in many
6 ways exactly what the first part of what I've called
7 the Safety Bill that we worked out with. You know,
8 you were on that—in those conversations in the summer
9 along with the Law Department, and what that allows
10 us to do by expanding our authority to include safety
11 we are able to replicate in our rules some of the
12 state and federal violations, which then allows us to
13 enforce those directly. Right now, in many cases,
14 most cases what we have to do is wait for either the
15 state or the feds to have a disposition in a case
16 that they brought, and then that's now something that
17 we can use in our licensing decisions. So, that—that
18 part of the bill goes directly towards, you know,
19 directly to that, which will—which will go a long way
20 I think to generating much more accountability in
21 this industry.

22 COUNCIL MEMBER VALLONE: Well, that's
23 what the chair was insinuating with having to follow
24 up straight from that commission to make sure that we

2 have following the progress from it to go straight
3 into legislative or budgetary--

4 COMMISSIONER BROWNELL: [interposing]
5 Right.

6 COUNCIL MEMBER VALLONE: --and that's
7 important because otherwise it's just another task
8 force, another Committee.

9 COMMISSIONER BROWNELL: Right.

10 COUNCIL MEMBER VALLONE: Do we--do we have
11 any update on--because in many ways it--the examples we
12 are doing today, the Century Waste case where the
13 steam--the New York City steam fitter was killed, and
14 it turn out that truck was just loaded with
15 violations.

16 DEPUTY COMMISSIONER GENEL: Yeah.

17 COUNCIL MEMBER VALLONE: Any update on
18 that?

19 DEPUTY COMMISSIONER GENEL: We're
20 working--we're working on that with other--I don't want
21 to say anything publicly on that because we're
22 working on that with other agencies. Quite frankly,
23 I'd be happy to sit down with you and off the record,
24 so to speak, tell you what's going on. We're in the
25 middle of it, and that's why I really don't want to

2 do that in a public forum, but other than that, I
3 seriously would be happy to sit down with you and
4 explain exactly where we are with that, and it's very
5 much an ongoing--

6 COUNCIL MEMBER VALLONE: [interposing]

7 Well, those are the type of high profile--

8 DEPUTY COMMISSIONER GENEL: --active
9 investigation.

10 COUNCIL MEMBER VALLONE: --exact type of
11 cases that we do--

12 DEPUTY COMMISSIONER GENEL:
13 [interposing] I don't know if you saw the video of
14 that crash. It's horrifying.

15 COUNCIL MEMBER VALLONE: It's horrifying
16 and almost everyone out there.

17 DEPUTY COMMISSIONER GENEL: Yeah, and
18 that truck was overloaded.

19 COUNCIL MEMBER VALLONE: I thank you for
20 that and--and--and please keep us updated. Those are
21 the critical cases that unfortunately take the
22 headlines, and spur all of us to make--hope we make it
23 safer for another driver one day.

24 DEPUTY COMMISSIONER GENEL: Yeah, I mean
25 the point is, you know, it's hard enough driving a

2 garbage truck in a crowded city with lots of cyclists
3 and vehicles and bikes, but when you're doing things
4 like overworking your drivers, overloading your
5 trucks, doing stupid things that just make it so much
6 more dangers it's—it's like driving around a time
7 bomb on the city streets. It's crazy.

8 COUNCIL MEMBER VALLONE: Thank you for
9 those updates. Thank you, Chair.

10 CHAIRPERSON REYNOSO: Thank you, Council
11 Member Vallone, and related to safe, I just want to
12 say that we—we've—I feel we have a solution for all
13 this and it's called waste zoning. It's the way that
14 we're going to be able to hold folks accountable
15 through a city RFP system to the standards that we
16 believe are necessary--

17 COMMISSIONER BROWNELL: Right.

18 CHAIRPERSON REYNOSO: --on top of safe
19 industry. So, while I hear that, I do think that
20 there's going to come a time we're going to have a
21 hearing and we're going to put the safety work and
22 the rezoning work all in one, and I'm looking forward
23 to the time when we finally pass that legislation and
24 see how this industry moves forward. The—another
25 question that I guess that I haven't—that I haven't

2 asked is the resource question. I guess what you're
3 saying is that the Administration would like to see
4 this bill passed before makes a solid commitment
5 related to employees.

6 COMMISSIONER BROWNELL: You know I
7 wouldn't say—I wouldn't say commitment. Look, I
8 don't know what to tell you other than they've been
9 very responsive with us.

10 CHAIRPERSON REYNOSO: Uh-hm.

11 COMMISSIONER BROWNELL: So, trust me, I'd
12 be the first one screaming because it's my agency--

13 CHAIRPERSON REYNOSO: [interposing]

14 Right,

15 COMMISSIONER BROWNELL: --and I wasn't
16 getting what I needed, and that's not the case.

17 CHAIRPERSON REYNOSO: Right, so if
18 Vallone wants this passed next week if we can, so I'm
19 excited about that. So, to be-if-if-I just want to
20 sum this up. I really want you to stay while the
21 testimony of the workers is-is put forth. I know
22 you've heard a lot of this testimony one-on-one, and
23 I've talked to Sean and Company and they've told me
24 about the communication and how that's been
25 increasing. So, I'm appreciative of that,

2 Commissioner. I really am, but still would love for
3 you to stay and listen to testimony. There might be
4 some that you haven't heard yet.

5 COMMISSIONER BROWNELL: So, this is what
6 I would say: I'm actually a little under the weather
7 today. So, I'm going to stay for like 20 minutes,
8 and then I'm going to watch the rest on TV, but I
9 want to again reiterate that anybody has information,
10 you know, it has to come directly from the people
11 involved. We're relying on that and—and we'll go to
12 you. We'll do everything we can to facilitate making
13 it as easy as possible, but if you have information
14 that we should know, please contact us.

15 MALE SPEAKER: [off mic] What's the
16 phone number?

17 CHAIRPERSON REYNOSO: Is there—

18 COMMISSIONER BROWNELL: [interposing]
19 It's 212-437-0500.

20 COUNCIL MEMBER VALLONE: Did everyone get
21 that?

22 MALE SPEAKER: [off mic] Yes, I got that.

23 COUNCIL MEMBER VALLONE: Any other
24 question for the commission?
25

2 CHAIRPERSON REYNOSO: [laughs] So—so
3 actually—so Commissioner I think we're—we're done
4 with the questioning. I appreciate your testimony.
5 I'm very—I'm looking forward to passing this as soon
6 as possible.

7 COMMISSIONER BROWNELL: Yeah, great.

8 CHAIRPERSON REYNOSO: And we've had
9 commitments from Corey—from Council Member—or from
10 Speaker Johnson. So, I'm excited to see how we can
11 move this forward so we can start getting justice for
12 a lot of these—these workers. So, thank you for your
13 time.

14 COMMISSIONER BROWNELL: Thanks very much.

15 CHAIRPERSON REYNOSO: We're going to call
16 up the workers now and their leaders. Sean Campbell
17 from Teamsters Local 813, Rosio Valario, ALIGN (sic)
18 John Rojas; Anthony Carmona; Manor Matese,
19 [background comments] and Don Juan Patterson. [pause]
20 We're going to put a 2-minute clock for testimony,
21 but if we feel there is the need for more, just you
22 hear the beep go and you're finishing up your
23 testimony just continue to go on, but we want to make
24 sure we hear from each of you. So, how—how should we
25

2 start Sean? Start this way out? Sean, you start it
3 and then we'll go down the line. Thank you.

4 SEAN CAMPBELL: My name is Sean Campbell,
5 and I'm the President of Teamsters Local 813, which
6 represents New York City's private sanitation
7 workers. I'd like to thank you. Council Member
8 Reynoso and the Sanitation Committee for holding a
9 hearing today, but I would also like to thank the
10 workers, you know, because it's the workers who have
11 been long overburdened with these issues. Workers in
12 this industry face extremely long hours, low pay and
13 unsafe working conditions. Over the last two decades
14 private carters have used sham unions and other union
15 busting practices to deny workers their rights to be
16 members of a real union. To hear the employees tell
17 it, the workers had a free choice. We are supposed
18 to believe that workers chose to give up pensions,
19 choose to be paid less, and choose to work longer
20 hours for the same pay. The truth is workers didn't
21 have a choice, and now they are stuck with a fake
22 union that is working for the boss. Case in point:
23 Back in 2005, the workers at Sanitation Salvage were
24 Teamsters Local 813 members. The company wanted
25 concessions and the union wouldn't budge. An

2 investigation by ProPublica found that workers were
3 told to sign a piece of paper without knowing that it
4 was—that they were signing. The next thing they
5 knew, they were members of Local 124 and didn't have
6 a pension. Their wages were frozen, but anyone who
7 had signed this piece of paper got some cash on the
8 side. All—all of—all of that have read—all of you
9 have read about Sanitation Salvage over the past
10 year. Off-the-book workers, underpaid overtime,
11 uncovered—uncovered death. None of this would have
12 happened if those workers had a legitimate union.
13 This legislation would finally force the sham unions
14 out of the dark and into the light. It will be an
15 important complement to the city's commercial waste
16 zone policy, which is essential for driving down the
17 length of routs and tracing recycling and
18 guaranteeing fair wages and safe jobs for every—even—
19 every private Sanitation worker. You have a full
20 support in making this legislation out. Thank you.

21 CHAIRPERSON REYNOSO: Thank you, Sean.

22 Appreciate it.

23 ANTHONY CARMONA: Yeah, I don't—my name
24 is Anthony Carmona. I've been working in the private
25 sanitation industry for five years now. I work for a

1
2 company called Brooklyn-Viking Sanitation in Brooklyn
3 for two years. At Viking I was making \$120 a night
4 regardless of hours I was working. I wasn't given no
5 safety equipment. I wasn't trained. I wasn't given
6 boots or uniform. I wasn't given anything to work
7 with. When my co-workers decided to go union, we
8 talked to our 8-Local 813-913 Teamsters, but once the
9 boss finds out-found out about that, he started
10 giving all of us employees money-like extra cash on
11 the side telling us that he's going to get us a
12 better union that's better than 813 that works for
13 him that works for us basically telling us he was
14 going to take care of us. He was going to take care
15 of all our problems. He was going to give us
16 uniforms, boots, everything we needed. Did that ever
17 happen? Nope. We got rid of 813. Well, my fellow
18 co-workers did. I didn't and 'cause of-'cause of me
19 being pro-union, the boss decided to cut my hours.
20 He cut my pay. Basically, he cut my days of work. I
21 was only work two days a week. How you-how can you
22 survive with two days a week of work and then, you
23 know, so he took everything. He basically took
24 everything away from me. So, now, I work at Waste
25 Connections. It's a union company represented by 813

2 Teamsters. I make \$24 an hour. I work 8 hours a
3 week—8 hours a day. If I want overtime, they—they
4 give it to me with no problem. You know, they pay me
5 for the overtime. They give me all the equipment I
6 need to work with. I get a uniform. They even wash
7 my uniform. It's—it's great. [laughter] It's—I'll
8 tell you it's a—it's a really big difference when you
9 work for a union company and when—when you work for a
10 non-union company. You know, we need—we need the
11 city -a City Council and City Hall to support the
12 workers in this industry. We thank you for having us
13 here to speak today. I hope you pass this law to
14 protect the workers from fake unions. Please pass
15 this bill, and pass the [bell] Waste Zone bill to
16 make sure every Sanitation worker has a good and safe
17 paying job and so everybody gets home safe to their
18 families. Thank you.

19 CHAIRPERSON REYNOSO: Thank you. Thank
20 you for your testimony. [applause] Okay. Your—your
21 microphone I don't think is on. Yeah, thank you.

22 CHIO VALERIO GONZALEZ: Got it. Okay.
23 So, I first want to thank you for the opportunity to
24 testify. My name is Chio Valerio Gonzalez. I'm the
25 Director of Campaigns at ALIGN, and I want to thank

2 the workers for speaking out today, and bringing to
3 light the wicked conditions in the private carting
4 industry. I also want to thank Council Member
5 Reynoso and Council Member Francisco Moya for
6 introducing this legislation. It has the potential
7 to change the lives of thousands of private
8 sanitation workers. On MLK Day, Council Member
9 Donovan Richards wrote in an op-ed that here in New
10 York City we still see the same struggle that the
11 mass of sanitation workers faced almost 51 years ago.
12 He wrote: It would be to no surprise to King that
13 most of these workers are Black and Latino. Many of
14 our also undocumented immigrants are formerly
15 incarcerated individuals. Two groups that employ—the
16 employers often see as easier to exploit because they
17 have fewer job prospects. Indeed, these are two
18 groups that—that employers prey on to fill their
19 pockets. After decades of tough on crime policies,
20 and mass incarceration, nearly 1 in 3 adults in the
21 U.S. have an arrest or a conviction or conviction
22 record. MELT (sic) found formerly incarcerated men
23 can expect to work nine weeks fewer than non-
24 incarcerated folks and earn up to 40% less in wages.
25 Immigrant workers are also particular vulnerable to

1 wage theft and unsafe working conditions, but
2 employers realize that these two groups will be
3 reluctant to report violations out of fear of being
4 deported or losing parole. When your livelihood and
5 conditional freedom are at the mercy of that
6 employer, the results are unsafe working conditions,
7 wage theft and shoddy representation, if any. Wage
8 theft is indeed a problem for low-wage workers.
9 According to a study for Economic Policy Industry-
10 Institute, wage theft is a nationwide-wide epidemic
11 that costs American workers as much as \$50 billion a
12 year. This goes hand-in-hand with what we've heard
13 from the workers today. Workers at Sanitation
14 reported \$80 per shift and sometimes working as many
15 as 21 [bell] hours. This means that the workers were
16 getting paid as little as \$3.81 an hour. Let's that
17 sink in for a minute. The workers I spoke to
18 reported working at least two years of the work
19 making these wages. This means that if we were to
20 take a conservative estimate and say that the workers
21 had worked on an average of 13 days working 6 days a
22 week in 2017, they should have made at least \$55,484.
23 Instead, they made an average of \$24,960 and in 2018,
24 when the wages went up, the helpers should have been
25

2 making at least \$65,572 instead of the same \$24,960

3 that they made. The helpers lost about \$30,000 in

4 wages in 2017 and about \$40,000 in wages in 2018.

5 This is me calculating on an average of 13 hours per

6 shift. Even though most of the workers reported

7 working upwards of 17 hours. This does not include

8 the spread of hours, reporting hours and any other

9 wage benefits that they should have been entitled to

10 according to their sham union contract because indeed

11 they were supposed to be making above minimum wage.

12 The workers at Sanitation Salvage reported having a

13 union and we know that one of the ways in which we

14 can combat income inequality and abuse in the

15 workplace is through real union representation. But

16 the workers in this—in this industry don't get that

17 benefit either. As is the case with Sanitation

18 Salvage many of these companies avoid dealing with

19 real unions and instead tell their workers to sign a

20 piece of paper telling them that they're now

21 represented by the sham union. This is what's

22 happening to hundreds of Sanitation—private

23 Sanitation workers who are not aware of their rights.

24 These sham unions make it near impossible for us to

25 right wrongs. Allowing them to police—to better

1 police the sham unions, report wage theft to the
2 proper agencies and provide and education on the
3 rights of workers to organize will go a long way.
4 [bell] We at ALIGN see these three pieces of
5 legislations as real progress to work ensuring that
6 workers are protected. However, we must do much more
7 to ensure that these workers are receiving a real
8 second chance. City Council will soon have an
9 opportunity to pass legislation that must include
10 strong labor and environmental protections through an
11 exclusive waste form (sic) system. Only then can we
12 ensure that low-road private carting companies will
13 not undercut good employers and will continue uplift
14 the rights of work through real representation. We
15 must be bold [bell] unapologetic and send a clear
16 message to bad employers: If your business model is
17 built on stealing from workers, you have no business
18 operating in the city of New York. Thank you.

19
20 CHAIRPERSON REYNOSO: Thank you. Thank
21 you for your testimony. That information is—is eye-
22 opening. So, I really appreciate you taking the time
23 to really break that down for people so they
24 understand the level of exploitation that's happening
25 to these workers.

2 MALE SPEAKER: Hello. Good morning.

3 Ladies and gentlemen and Council, I would like to
4 honestly thank everyone for being here. Personally,
5 I've been in the sanitation industry for about two
6 years now, fairly new, but I gained a lot of
7 experience within two years especially at Sanitation
8 Salvage. Here I got Don Juan. His father is 63
9 years old. I started working with his father. I
10 used to take every little piece of knowledge I was
11 given by his father and run with it. It didn't fly
12 in one ear and then come out the other. The things
13 he used to tell me I didn't expect were going to
14 happen until I seen it first hand. I'm going to tell
15 you on two different accounts. I'm going to
16 emphasize on—on two different accounts. I got hit by
17 a car working with his father, and I come outside the
18 passenger seat and I got hit by—hit by the rear view
19 mirror on my elbow and it is the beginning of the
20 route. I'm literally two blocks from my house. I
21 could have went home. I didn't call a cop or an
22 officer. The car just kept going. Now me, my work
23 ethic is so on par that I'm going to get to it
24 regardless. So, I continued to work. When I got
25 home and I took off my—my jacket, I fractured my

1 elbow and didn't even know. I'm picking up bags like
2 the whole night. Listen, if I feel so confident, it
3 was so shortened, the helpers we didn't have so many
4 helpers sometimes. They're telling us we have 80
5 employees. We never seen 80 employees at the yard
6 ever. Alright, so, I'm doing—I can make up my 40
7 hours within two days meaning I had to be out there
8 for an average of 20 hours each day, and I'm doing
9 this for six days a week. It was guaranteed that I
10 had to take a nap. Let me tell you there was one
11 incident I'm—I'm picking up a stop across the—in the
12 Bronx, and I got basically chosen to be like picked
13 with because of the—the company I worked for. Now, I
14 got misidentified by somebody. [bell] I have to run
15 18 blocks for my life because they tried to kill me.
16 I'm calling my cousin right there. I'm like, yeah
17 where are you, boy? Where are you? I need somebody
18 to pick me up. I'm hiding in a corner because I
19 didn't know whether or not to come back out, who to
20 call or what to do. I'm a newly father, and I'm the
21 only boy and I've got four sisters. My pride is
22 strong. I'm going to work, but I'm not going to be
23 taken for granted. Now, I'm entering in Jumaane
24 Williams' Office 45th District. What a small world,
25

1 right? I got laid off. I worked there and just
2 seeing now the industry works, politics, this made me
3 want to stand for something even more. I used to not
4 believe honestly in this. I guess you got to do it,
5 and make it happen for yourself to see the
6 progression. So, thank you all. Really and make
7 this happen not for me, not for the money, for
8 safety, for the future of New York. I'm talking
9 about I used to be on the truck sleeping. I used to
10 sleep in the back of the truck. I never did this in
11 my life, sleep and holding, and City Island almost
12 dying. I watched his father sleep nearly and he had
13 to take an hour. It was mandatory just to pick up
14 garbage. Just think about that one. Thank you all.

16 CHAIRPERSON REYNOSO: Thank you for your
17 testimony. I appreciate it. Thank you.

18 DONMAR PATTERSON: How you all doin'?'
19 I'm Donmar Patterson. I worked for Sanitation Salvage
20 for 17 years. So, like I've been there through it
21 all like I started off \$60 a day. I worked 12 hours.
22 When I-I got an 813 and they made us sign a paper
23 saying that if we don't sign it, you will be fired.
24 So, we all signed the paper in like 2005. Then we
25 went down from 20 something dollars to like-like \$500

1 a week. It didn't matter how many hours we worked,
2 no matter what we did, it didn't matter. If we
3 didn't do it, you're fired. Go home. See you
4 tomorrow. Then I think it was 2008 they got a clock
5 in there. You sign in one time, they sign you out
6 another one. The time was being changed, the hours
7 coming up short. What that was-'08 I was in an
8 accident. The truck flipped over in Hunts Point, but
9 we got out, though, but we—yeah, we used to raise it,
10 so we just went back, tried to go back to work, but I
11 went to the hospital, and I was like, you know, my
12 back hurt. They said, Oh, you come back to work. A
13 tank container is all. Do something. Just do
14 anything. Just don't go on Workers Comp. So, I said
15 forget it. I went to Workers Comp. I didn't get my
16 Workers Comp. I was out from February to like June.
17 They was fighting the Workers Comp the whole time.
18 Like I ain't getting nothing. I think I got my money
19 in August. This—this is bad over there. A lot of
20 guys like people don't realize we young, we—some
21 people got funding (sic) some people didn't graduate
22 high school. So they make \$600 a week. That's fairly
23 normal to some people, but at least you make this
24 amount X-Y-Z they changing that. Yeah, they did us
25

2 dirty, and we was like young guys. We tried to get
3 the union, tried to get it one way. We tried the
4 813, but if we do it-

5 MALE SPEAKER: [off mic] You're fired.

6 DONMAR PATTERSON: [bell] You get fired
7 everybody. They fired what? 20-

8 MALE SPEAKER: The whole shop.

9 DONMAR PATTERSON: 20 some people in less
10 than two weeks because they found out we was trying
11 to get 813. Like it was—we didn't have no choice in
12 the matter. We was like you either F---ing say here
13 or you—you're out of here. I mean like it hurt like
14 they think now that they stopped you from doing
15 something. We got kids. We got family. Now, we got
16 no pension. I started a 401(k) in like 2008. That
17 money is short. We all—we got nothing in there.
18 Now, either you got to go back to work or it's try to
19 pursue something else. If you ain't go the education
20 to pursue nothing else then you can just—and I mean
21 like then for them the last day, we're there working
22 they don't have the decency to call us and say,
23 Listen, we going to shut down the shop. No more
24 work, no nothing. Everybody getting ready to go to
25 work. Somebody was—got a business across the street

1 from the shop called us and say, Yo, your company
2 talk about no more. We're like no more? Call the
3 supervisor and nobody answers. Call the bosses and
4 nobody answers, call the bosses and nobody answers.
5 Call the office and nobody answered. The union we
6 called them when the first 30 days happened, they
7 changed their number and sent us a letter saying: Yo,
8 yeah, yah, Medicaid, yeah, yah-yah benefits.
9 Everything cut off. We got nothing. We're like huh?
10 But just like they said, that when we went to court.
11 We solid with the court. They said we has--somebody
12 was supposed to come and pay us for the two weeks. We
13 got nothing. We ain't even know we was supposed to
14 go on unemployment. We'd rather go back to--yeah, we
15 thinking we're going back to work. [bell] Nobody
16 called us and told us. We had to find somebody else
17 to tell us like, Oh, yeah, I know you all are coming
18 and working there. Huh? But we're sitting at home
19 calling people and nobody answered or nothing. Like
20 it was bad, man. Like a lot of guys. It was bad,
21 man. Some people don't know where to go because like
22 he said, as a company they really don't like us.
23 They think it's us. We're just trying to make a
24 living. So, if my boss is taking on all your all
25

1
2 stuff what's that got to do with me? But they want to
3 fight. It was bad for us, man. Like a lot of young
4 guys, man, really lost hope, man and make you don't
5 want to work for nobody. You can trust nobody
6 because we've been here all these years fighting for
7 you all trying to make living to be honest, not to be
8 in jail, not to do the dumb stuff like going on the
9 street at night. We're out there 17, 18 hours. I
10 went out there one day at 6:00 and I didn't get home
11 until 3:00 in the afternoon. You don't hear me cry.
12 I came to work the next day when I had two hours to
13 go home change my clothes, take a shower, go right
14 back to work at 6:00. We was there like an hour, and
15 I just don't understand them like—we tried, man. We
16 try hard. It's everybody. It's people that ain't
17 here today that—that it's bad, man. They get people
18 dirtier, though [bell] Not me. For them to be the
19 people that they we thought they was. Give us a
20 Christmas Party, take the Christmas Party from us,
21 and bring all these people. We don't know these
22 people. We don't have no business around none of
23 these people. These are not our friends. This is
24 supposed to be for us. We used to get a Christmas
25 bonus. They took that. Oh, y'all want to go to the

2 union? Took the Christmas bonus. Giving you all
3 nothing. Nobody. We got guys there that was there 8
4 and 10 years making like \$600 a week. Drivers bring
5 home \$800. You actually never come. They bring home
6 this money, that money. You're like, "Huh?" Every
7 time. I mean every time we went for another union
8 people just started getting in fights. It's everybody
9 else's fault. I'm not going to mess with that. I
10 could lose my job. You don't want to switch. You're
11 done been there too long. We looked again. We went
12 to a union. We asked them about the—what was that,
13 the pension?

14 MALE SPEAKER: Uh-hm.

15 DONMAR PATTERSON: No pension. Six years
16 no retro pay.

17 MALE SPEAKER: No retro.

18 DONMAR PATTERSON: Oh, y'all, y'all don't
19 get that. We gave y'all a raise. [background
20 comment] Yeah, guys making \$13.25 (sic) a week. No
21 retro pay. How you give us our money? We've been
22 there a week. Y'all was taking money out of our
23 check every week for three years straight. I asked
24 the guy from the union. I think his name—wasn't it
25 Andrew?

2 MALE SPEAKER: Andrew, Uh-hm.

3 DONMAR PATTERSON: I asked Andrew. I
4 said, How could you make a suggestion and a deal with
5 the boss to paint and clean his office [bell] but you
6 can't make a deal for us to get more money. Guys
7 making—guys making \$13.00 and it up to what? \$16.00

8 MALE SPEAKER: \$16.00

9 DONMAR PATTERSON: The guys making \$16.00
10 went to \$17.00. How is that raise? Like they—

11 CHAIRPERSON REYNOSO: [interposing] And I
12 could—I could tell—like I don't want to stop you from
13 speaking. I can tell that this is—it's very personal
14 for you, and then I could hear like the pain, and—and
15 what you guys went through. And this is important
16 for people to know what you went through for us to be
17 able to find solutions, and have enough people to
18 have our backs when we're trying to push legislation
19 like this to effect change. I'm going to ask you
20 guys some questions after the last tresti—testimony.

21 DONMAR PATTERSON: Hold on—hold on. I'm
22 sorry. Before you begin, sir. I was doing 85 hours
23 a week for two years.

24 CHAIRPERSON REYNOSO: Okay.

25

2 DONMAR PATTERSON: I'm not sure honestly.
3 I don't about any—I don't know that many people that
4 work that hard.

5 CHAIRPERSON REYNOSO: Okay, okay.

6 MANUEL MATESE: Good morning My name is
7 Manuel Matese. I started working at Sanitation
8 Salvation when I was 17 years old. I started getting
9 paid \$65 a night. I was working 18 to 20 something
10 hour shifts. On my days off, I would sleep the same
11 amount of hours I work in one day. I literally had n
12 life. I worked for Sanitation Salvage off the books
13 for about five years straight under the same pay. I
14 was the first person to go into Sanitation Salvage.
15 I start earlier. Everybody start at 6:00. I started
16 at 5:00, and I was the last one in the shop. For me
17 to get on the books to get an hourly rate, it was
18 still nothing because I was only—I was working maybe
19 100 plus hours, and I was only getting paid for 50.
20 For me to get on the books, I had to literally let a
21 container full of food while we helped the—the
22 recycling. We had recycling. It was all full of
23 food a container that weighs maybe a ton. It fell on
24 my hand, crushed all my fingers. Literally I had to
25 go under surgery to get my whole hand reconstructed.

1
2 When I went to the shop to complain about the—about
3 the accident, the owner of the company Andrew
4 Skuteri, literally cursed me out. He called me a
5 dumb Mother F---er and everything that you can
6 imagine. You know, I was young. I didn't know what
7 to do. There was no Workers Comp. They had a--
8 [bell] they did a whole lot of illegal paperwork
9 there to get me Worker's Compensation. Oh, Workers'
10 Compensation was only like \$200 or \$300 a week. I was
11 out for I don't know for how long. When I come back
12 with a broken hand, they put me paint containers 60
13 hours outside, summertime in the hot ass sun just
14 painting. Okay. Second incident. I worked for
15 Salvage a lot of years. I had to deal with a lot of
16 knuckleheads, you know, they're men, people off the
17 street, drunks, drug addicts. Whoever wanted to work
18 that's the ones they put in, you know. One night I
19 had a helper. I don't know if he was under the
20 influence or what, but I got sexually harasses and
21 molested while working a 16-hour shift. Throughout
22 the whole 16 hours, I'm either getting verbally
23 abused, or harassed or whatever by this individual.
24 I made multiple complaints to the supervisors, to the
25 others of the companies and once again, the owner of

1 the company Andrew Skuteri I complained to him about
2 the incident. Again, with his reckless mouth I get
3 verbally abused for complaining. Nothing was done.
4 That day Andrew Skuteri the owner of the company a
5 multi-millionaire and again to my face literally
6 shoved me and wanted to fight me just because I
7 complained an incident that happened at the company.
8 His thing was you Mother-kept going. What you want?
9 An easy pay? No. All I want is to work in a regular
10 environment and continue my job. You know, continue
11 my day. Mr. Skuteri's family very, very nasty
12 people. They're all for themselves. They didn't
13 care nothing about safety. They didn't care about
14 the employees. All they cared was about their
15 pockets. Literally, when we started working for them
16 they were nothing, nothing. In less than a decade,
17 these people went from nothing to billionaires. They
18 are billionaires. They was making over hundreds of
19 millions of dollars a year quietly without nobody
20 knowing. I know personally stops like Parkchester,
21 the whole condominiums of Park Chester was paying
22 them maybe a quarter to half a million just for one
23 stop. One stop that would load up four trucks, and
24 that was only one—and that was only one stop. That
25

2 said four trucks, but only one truck doing it. So,
3 it was—I mean it's more than 15. I got close to 15
4 years working for these people. It's a lot of
5 stories. I mean it's a lot of pain, and it's sad to
6 say that it's 2019 and, you know, now it's that
7 people is hearing us because we didn't have no
8 backup. We didn't know who—who we---we complained to
9 the fake unions. They didn't do nothing. You call.
10 Who are you? Who are you again? They don't even
11 know who the hell you are.

12 DONMAR PATTERSON: They'll never cut you
13 off. We used to do on the average holiday when
14 everybody was at home that Sunday

15 MANUEL MATESE: [interposing] Sixty
16 tons.

17 MANUEL MATESE: Sixty tons.

18 DONMAR PATTERSON: Sixty tons—sixty tons,
19 one truck.

20 MANUEL MATESE: One route 60 tons.

21 DONMAR PATTERSON: That is he's on a
22 truck, I'm on a truck and he on a truck 50 tons.
23 People dumping their truck one time.

24 MANUEL MATESE: We're doing four, three
25 or four.

2 DONMAR PATTERSON: The first load 22
3 tons.

4 CHAIRPERSON REYNOSO: You know, it's
5 funny so I just want to say--

6 DONMAR PATTERSON: Because they're big.

7 CHAIRPERSON REYNOSO: --a couple of
8 things. Your stories--so you're talking about all
9 these tonnage and most of these people don't even
10 know that's what 50 tons, 60 tons even means
11 something, but a lot of that is a little.

12 DONMAR PATTERSON: [interposing] But a lot
13 of that--60 tons--

14 CHAIRPERSON REYNOSO: The drivers
15 obviously know.

16 DONMAR PATTERSON: But you got 60 tons.
17 That's all garbage, right?

18 CHAIRPERSON REYNOSO: Uh-hm.

19 DONMAR PATTERSON: I think it's 18--I
20 think it's like 15 or 20 tons of cardboard. That's
21 one truck. That's equivalent to 50 tons of garbage.
22 That truck go to go back out, and do it again. So--

23 MANUEL MATESE: That's a one-ton truck.
24 (sic)

2 CHAIRPERSON REYNOSO: But we read the
3 right question because we-it's a-we've got to make
4 sure that we allow for other people to testify as
5 well.

6 DONMAR PATTERSON: Okay.

7 CHAIRPERSON REYNOSO: I want to-I want to
8 ask you questions so that we could get to like a-like
9 relevant-relevant -like Life 890 and these-these
10 unions that didn't do you justice, and like the role
11 they played. Was there ever any moment in your job
12 where there was anything posted about what rights you
13 had as workers?

14 DONMAR PATTERSON: Can I say something
15 else?

16 CHAIRPERSON REYNOSO: Yeah.

17 DONMAR PATTERSON: All the years I worked
18 in Sanitation Salvage, I never had medical insurance.
19 I never had not dental insurance. I never had
20 anything. I have so many hospital bills--

21 MANUEL MATESE: [interposing] That's what
22 they gave us.

23 DONMAR PATTERSON: --it's not even funny.
24 Like the fake insurance they gave us, we would go to
25

2 the hospital and they laugh. They would laugh. They
3 didn't even know who-it's hilarious.

4 DONMAR PATTERSON: [off mic] But often
5 unknown.

6 CHAIRPERSON REYNOSO: Turn your mic on,
7 and make sure your mic is on.

8 DONMAR PATTERSON: Yeah. I-I have another
9 person who has seen it. I was-it was verbally if
10 anything. Like what I seen with this company is that
11 when you limit the communication between management
12 and staff, there's a lot of misconstrued-there's a
13 lot of just very false everything. So, we don't know
14 what we're able to do and what we're not. We know
15 what we're not able to do because that's what they
16 constantly remind us of. So, that-that goes as far
17 as our rights.

18 CHAIRPERSON REYNOSO: So, we-so just so-
19 so you know, your story-are any of you working right
20 now outside of the internship are any your.

21 DONMAR PATTERSON: No, I-I-I ain't gonna
22 go back. I don't want to see no garbage. I've seen
23 a lot of it.

24 MANUEL MATESE: I'm still working in the
25 garbage. I was working with last [off mic]

2 CHAIRPERSON REYNOSO: Are you working
3 with a company? What company are you working with?

4 MANUEL MATESE: With PSI.

5 CHAIRPERSON REYNOSO: PSI.

6 MANUEL MATESE: [off mic]

7 CHAIRPERSON REYNOSO: Okay, and you just
8 don't want to go back to garbage.

9 DONMAR PATTERSON: [off mic] No, I'm—I'm
10 gonna go back but [off mic]

11 CHAIRPERSON REYNOSO: Make sure your mic
12 is on when you—when you testify.

13 DONMAR PATTERSON: And I say you can't
14 work like that or try to go to school and do
15 anything. You work too many hours, 15, 16 hours. By
16 the time you get home and go to sleep, you're trying
17 to get back up. It ain't gonna work. Some—something
18 ain't gonna get done. Then you got kids going to
19 school.

20 CHAIRPERSON REYNOSO: So, I just want to
21 make sure you know, we're—we're definitely moving
22 forward. Unfortunately, you guys had to—to bear the
23 brunt of, you know, Sanitation Salvage's work
24 practices. For us to get to a place where we're
25 going to be able to find justice for people in the

1 future, and we passed these bills and we will pass
2 these bills. We'll be able to investigate these
3 unions that are not real. We'll be able to let
4 workers know what their rights truly are, and pay
5 more attention to what happened to you, and I just
6 want to say in this political arena and the politics
7 of it all, there are lot of blind and deaf people to
8 your cause because of the connections that they had
9 with your bosses. But, you know, as politics
10 progresses like everything else, some people don't
11 care about your bosses. They care about you, and
12 moving forward. I think what's what we're going to
13 be doing, making sure that you and people that work
14 in the industry have the respect and are represented
15 by unions that are actually going to be good for the
16 company and good for the workers. Not this way where
17 the company was terrible, the workers were being
18 treated like-like trash. So, we're looking to deal
19 with all that. So, I just want to know—I want you to
20 know that there's a light at the end of the tunnel
21 here for—for the future, and I really appreciate your
22 time and the testimony that you have here, and I'm
23 glad that people got an opportunity to listen to it
24 because I think a lot of folks as well I want to say
25

2 don't know your perspective, and don't know what
3 you're going through. They're saying alright, maybe
4 it's tough, maybe it's okay. Yeah, we know it's long
5 hours, but they don't understand how bad it is, and
6 they need to listen to it. If not, I can't do my job
7 here appropriately. So, I appreciate your testimony
8 and your time. So thank you.

9 MANUEL MATESE: Alright thank you.

10 DONMAR PATTERSON: Thank you. Chairman
11 Reynoso, if I may.

12 CHAIRPERSON REYNOSO: Yes.

13 SEAN CAMPBELL: I will say that, as you
14 said earlier, there are some good companies out
15 there, and I would like to recognize Waste
16 Connections and Action Carting because they have
17 stepped up. They have said to us, "Listen, we are
18 willing to hire any of these folks, and I know Don
19 Juan probably close to 20 years now. He will tell
20 you when I used to represent Sanitation Salvage, I
21 was a pit bull, and that's one of the reasons why
22 they didn't want 813 over there because we did the
23 right thing by these guys, and they made sure that
24 they, you know, got the guys, convinced them and
25 again, that's why I said I applaud these guys for

2 even coming forward today because we would—even right
3 now with all that has gone on, we have guys who have
4 moved away from Sanitation Salvage who have gone to
5 work for other companies and are still afraid to come
6 forward and tell their stories. So, that's how bad
7 it is in this industry and once again, I applaud you
8 and this entire committee for doing everything that
9 they're doing not just with this bill, but the waste
10 zoning, but everything. This industry as a whole
11 needs major, major reform. Thank you.

12 CHAIRPERSON REYNOSO: Thank you. Thank
13 you for your time.

14 DONMAR PATTERSON: I just want to say one
15 more thing, too, that what he was saying about people
16 are afraid, which it means like you're afraid to talk
17 against them because they might know the other
18 bosses. So, they know the other bosses. Guess what,
19 when you go there, you get no work. Oh, we're not
20 hiring.

21 CHAIRPERSON REYNOSO: Oh, that kind of
22 thing.

23 DONMAR PATTERSON: That's the reason why
24 we now come through. (sic)

2 MANUEL MATESE: That's the reason why we
3 stood at Sanitation Salvage, too. Because-

4 DONMAR PATTERSON: They told us nobody
5 want to hire you, and we go-we wait. No.

6 MANUEL MATESE: [interposing] The owner
7 of the company Stevie Skuteri sent out a memo to all
8 the garbage companies that if anybody from Sanitation
9 Salvage would go apply-

10 DONMAR PATTERSON: Don't hire them.

11 MANUEL MATESE: Don't hire them.

12 DONMAR PATTERSON: Waste management and -

13 MANUEL MATESE: [interposing] All of
14 them.

15 DONMAR PATTERSON: IFI, everybody. Some
16 might want to leave.

17 MANUEL MATESE: And everybody-nobody want
18 to leave.

19 DONMAR PATTERSON: It doesn't matter who
20 we were. It doesn't matter how many years we
21 actually had. Life didn't matter.

22 MANUEL MATESE: They didn't matter.

23 DONMAR PATTERSON: It doesn't matter.

24 MANUEL MATESE: We wouldn't get hired.

2 DONMAR PATTERSON: No one is gonna hire
3 you.

4 MANUEL MATESE: Yep.

5 CHAIRPERSON REYNOSO: well, we're gonna-
6 we're working against that. So, just to be honest, to
7 let you know that 813 is actually working with like
8 Waste Connections and-and-and with Action and with
9 Action to try to see if we could place some people
10 there. You know, they have a limited amount of spots
11 right to-to do this work, but they're trying to find
12 opportunities for you for the Sanitation Salvage
13 workers. I think BIC is also working on that to
14 help. So, if you're interested in those
15 opportunities, just let 813 know and we'll-we'll do
16 our best to help that transition happen. It's not
17 100%. We can't give everybody-like it's no
18 guaranteed, but we're going to try our best to place
19 you with people that we think are doing good work in
20 the industry or people that need you because it's no
21 easy finding drivers and helpers for this industry,
22 and I think they know that. So, it's people trying
23 to do-do right by you.

24 DONMAR PATTERSON: Now I want to talk
25 about as a driver when it come to the waste industry,

2 authority—authority is really abusing us for what's
3 going on. The police right now are stopping every
4 Sanitation driver, and just hammering us with 10, 15,
5 20 tickets, violations under our name. Them tickets
6 go under our name. It's like a—it's like a report
7 card. Every time we get stopped, you know, I look
8 like a bad driver. I'm the best driver in New York I
9 would say, and, you know, it's not fair paying
10 tickets, paying lawyers.

11 CHAIRPERSON REYNOSO: Wait. So, we—and we
12 talked about that with the Administration about they
13 wanted to do enforcement of Sanitation workers
14 because of all the crashes and the things that were
15 happening, and the people that ended up getting the
16 brunt of that were the drivers, not the companies.
17 They companies came out winning in all that, and the
18 drivers were the ones that were suffering--

19 DONMAR PATTERSON: [interposing] And now
20 every driver—

21 CHAIRPERSON REYNOSO: --the—the
22 summonses.

23 DONMAR PATTERSON: Not every driver is
24 bad, you know.

25 CHAIRPERSON REYNOSO: Yeah, not every--

2 DONMAR PATTERSON: Not every driver is
3 bad. We should have--

4 CHAIRPERSON REYNOSO: [interposing] Yeah,
5 I got that.

6 DONMAR PATTERSON: --equal--

7 CHAIRPERSON REYNOSO: But we—we're going
8 to have to—we're going to have to cut you short, but
9 we—but it is not the end. This is not the end and
10 remember that the BIC Commissioner said if you have
11 any more information you could give them that they'll
12 sit and talk to—to it. So, make sure you take that
13 number down, and you follow up with them, but I
14 really appreciate your time, and I appreciate your
15 testimony. Thank you. Thank you so much.

16 CHAIRPERSON REYNOSO: Thank you guys. I
17 think we should also pay attention to mental health
18 awareness. That is very important. We need that
19 like they actually do need that, Sanitation workers.
20 [pause] Eduardo Lawson, Alex Almonte, Pedro Garcia
21 and Adam Henry. [background comments, pause]
22 Alright. So, we're going to try to keep on clock now
23 as best as we can just because we have two more
24 panels. So, we're going to start from this side down
25 now so thank you. Alright. Yeah, you should start.

2 ADAM HENRY: First of all, I would like
3 to thank the Council for allowing me to speak today.
4 My name is Adam Henry. I'm a 30-year plus worker of
5 the private sanitation industry, and now I'm an
6 organizer for the Teamsters Union. I'm going to get
7 right into it. We're going to play a game today, but
8 there's nothing funny about this game. Imagine if
9 Sanitation Salvage workers made \$22.12 an hour.
10 Imagine if Sanitation Salvage drivers made \$24--
11 \$22.43 an hour. Imagine if Sanitation Salvage
12 workers had a pension. Imagine if they had a
13 severance plan. Imagine if they was off nine
14 holidays a year. Imagine if they also had their
15 birthday. Imagine if they had four personal days
16 off. Imagine if they paid zero out of their pocket
17 for healthcare, and they had great healthcare. Well,
18 guess what? They used to have that because the
19 Teamsters represented them. This is 17 years ago.
20 This is what they had 17 years ago. You want to know
21 what-what they have now? As of 2018, the helper that
22 made \$22.12 an hour was at \$13.50. The driver that
23 made 17 years ago, \$22.43 an hour in 2018 he made
24 \$22.00. The pension plan that they had 17 years ago
25 is gone. The severance plan they had 17 years ago is

2 gone. The 9 holidays they had is gone. The birthday
3 they had is gone. The personal days most of them are
4 gone. The health insurance as of 2018 for single
5 coverage was \$585 a month. For a family I was \$1,040
6 a month. As of 2019, the sham union contract says:
7 "New hire helpers will get paid \$15.00 an hour [bell]
8 as of January 1st, which is minimum wage. So, we
9 always talk about how powerful unions are, well, here
10 we are, the Independent Union. That's how powerful
11 they are. They was able to reduce wages and reduce a
12 middle-middle-class job to nothing. Here's a—here's
13 what a sham union contract look like. A couple of
14 pages. Here's—here's a Teamster contract. It's 42
15 pages. Teamster—Teamster contract the signatures
16 from the company, signatures from the—the President
17 of the Local I call a sham union contract and—and I
18 see this all over the city, not just at Sanitation
19 Salvage. This is what you see when you ask a worker
20 for a contract. The union signed it [bell]. Where's
21 the boss signing it? A black signature. I and these
22 workers would like to believe that things like this
23 exist because that the right people don't know about
24 it. I look at this Council as the right people.
25 It's time for change. Enough is enough. We heard—we

2 heard horrible stories from these workers, but look
3 how good they had it. Look how good they had it.
4 Something has to be done. Than you, and I know you
5 guys and-and ladies will do your job.

6 CHAIRPERSON REYNOSO: Thank you, Allen.
7 Appreciate your testimony.

8 PEDRO GARCIA: Hello. Oh, yes, my name
9 is Pedro Garcia. I worked at Sanitation Salvage for
10 2-1/2 years getting paid the minimum of \$80.00 a
11 night no matter what hours or shifts I worked. As
12 long as I knew I-I figured I had a job tomorrow, I
13 was working the whole night through. When you're 18
14 or 19 a young kid like me like a lot of us from
15 Salvage you just want a job. We just want to work.
16 Right now I'm just really just making-it just opened
17 up my eyes that 17 years ago I had way better
18 benefits. I was-17 yeas ago I was 4 years old or 5
19 years old and like now I'm not even making damn near
20 half of a union contract. That working all these
21 long shifts, having injuries and nobody to back me
22 up. All we wanted was the jobs to work, and just
23 have the protection, have people that we could call
24 to help us out, and we never had that. So, for 2-1/2
25 years me personally, me I'm young and everybody looks

1 at me. I've got a baby face. [laughs] For a little
2 I had the heaviest route in salvage. I have a
3 picture with all my stops. I have 1,400 stops. The
4 exact number: 1,393 exact. I have it on my phone to
5 show you guys. That was my heaviest route just so I
6 can make sure I have a job everyday. Working six
7 days a week drivers wouldn't stay, and so me as a
8 helper I got to train new men every night. Nobody
9 will come to work. They'll quit the same day causing
10 me to work longer hours. Companies will never
11 compensate and try to help out drivers to make them
12 stay. Just made it hard on the helpers so you got to
13 come in. I don't feel comfortable working-working
14 with people I don't know. Nobody do. Yeah, I've
15 worked with people at night who are under the
16 influence. I could tell they haven't slept, but we
17 all got jobs to do. We all got families. Whereas,
18 for me personally, 2-1/2 years seeing a sham union
19 really drag us through the dirt, I would love to see
20 a brand new union and see them take care of all these
21 sham unions and have all this. Because honestly
22 there's too many of us [bell] that went through it.
23 My buddy Manny and me, me and him we used figure out
24 how to take together sometimes to just try to get
25

1 through the night, and that's just one—that's one
2 example: Me and him just—just to get through the
3 night. There's no extra help. We do—we have to do 20
4 tons within 15 hours. If not, they'll start
5 complaining calling us telling us a customer has
6 missed—missed calls, and I have to do 1,300 stops
7 plus a night working with just one guy. That's just
8 my—that's my story. I've worked through injuries. I
9 just wanted a job, guys. I'm not here to complain
10 about work. I'm here because I was not given my
11 rights. Every time I called I got sent to a
12 voicemail. Every time I told them hey, how about you
13 giving me a little raise because I'm working this
14 crazy route for you guys. They said [bell] oh, just
15 go read your union contract. I got no protection
16 there. So, I just hope that with all this hearing
17 everybody here that the—the Teamster 813 we'll
18 definitely have—we'll definitely have—we'll
19 definitely just have—have our backs now, and to just
20 keep on moving forward, and get rid of all these sham
21 unions because honestly, I don't want to see this
22 happen to nobody. I'm about to be 22 in two weeks.
23 I don't want to see another kid 19 going through the
24 same thing I went through. It's hard, man. You just
25

2 want a job and the first person that says yes, you
3 just—you just go with it. It's terrible, man. So--

4 CHAIRPERSON REYNOSO: Right.

5 PEDRO GARCIA: --I just hope every-
6 everybody keeps going forward--

7 CHAIRPERSON REYNOSO: [interposing] Yep.

8 PEDRO GARCIA: --and everybody gets back
9 whatever they're owed and this don't happen to nobody
10 else, man. It hurts. It's hard.

11 CHAIRPERSON REYNOSO: Thank you for your
12 testimony. I hear you. It's unfortunate, but I hear
13 you, and thank you for—for testifying today.

14 ALEX ALMONTE: Hello. My name is Alex
15 Almonte. I started working at Sanitation Salvage
16 when I was 16. I was a troublemaker when I was a
17 kid. So, that was a way of me getting out. Now,
18 they took advantage of that because of me not knowing
19 of how much I'm supposed to get paid, what's the—the
20 protocols that's supposed to be taken. When I
21 started going out, there was a snow storm, December
22 26 when I was 16 when I started working because I
23 didn't get nothing for Christmas. The person that
24 was supposed to be in charger of the route left me.
25 They didn't call nobody else to come our and help me.

1 I did that by myself with the same driver I was
2 working with now as I'm 28, Warner. All we had to do
3 is go out there, finish it and pick up the garbage.
4 Now, when they gave—when the paperwork that they gave
5 Congress that they gave us safety protocols, all they
6 did was have somebody come in with a bunch of
7 paperwork, let us run the can once quick and run
8 this. Anything that you all ran down and asked them
9 about hey hurried up. They had to sign quick
10 paperwork just to make it seem like they actually did
11 something. None of the trucks was put together.
12 Look as big as I am. I had a mild stroke at my job,
13 and all I was worried about doing is going back to
14 work. I got kids to feed. They didn't care about
15 that. You call and say you sick, they tell you, Oh,
16 Johnny is going to have a problem with that. The
17 company is going to have a problem with that. Oh,
18 you don't got nobody to cover? You be like, dude, I
19 just got home at 3:00. He didn't care about any of
20 that. All it was: Pick up this garbage. We need it
21 picked up by any means necessary. The reason no
22 other company want to tie with us our company says
23 Sanitation Salvage. All the other companies are
24 called—their Sanitation Savages because—because of
25

1 the amount of time we had to do this route and how
2 many stops we did. None of us are Supermen, but
3 we're all out there doing 1,500 stops, 60 tons of
4 garbage and then not—and nobody is giving us
5 compensation for nothing. Nobody is telling us to
6 come in and doing the union commits so called to help
7 us out and speak to us. All they do is bring us food
8 from the local Spanish restaurant or pizza to shut us
9 up [bell] or McDonald's, and that's totally not
10 right. We all got kids and if we don't stand for
11 something, we fall for anything, and I just want to
12 thank you all for actually listening to us. Thank
13 you.

14
15 CHAIRPERSON REYNOSO: I appreciate your
16 testimony.

17 EDUARDO LESEN: Hi, dude, my name Eduardo
18 Lesen. (sp?) I've worked for Sanitation Salvage for
19 like two years. I remember my first time working
20 there. I mean he told me the first time I got there
21 that there wasn't shit. [laughter] Sorry for my
22 language, but I just brushed it off. I didn't really
23 pay it no mind, but working there, they used to
24 really treat us like that. I done work days and
25 nights in the rain, snow, fingers frozen and couldn't

1
2 even feel my legs. Had to get the job done. That's
3 all they wanted. The job done, the job done, and
4 then days I had messed up my back, I even had the
5 driver drive me into the container one night because
6 he was so tired. All they wanted was for us to come
7 to work. There's been days I had to come into work
8 injured to show them that I couldn't come and work.
9 Why should I have to do that? I should tell you out
10 of my mouth, and you should believe me as a man from
11 me. There's been day that I'm—they took me off a lay
12 route and put me on a heavy route just because that—
13 that second man need the help. They didn't care
14 about me. They didn't care about when I got injured.
15 All they wanted me to do is come into work, and I was
16 messed up. What I find—what I find messed up is that
17 the union they came, gave us paperwork to fill out,
18 and the most they ever give us is T-shirt. Ever
19 since then, we used to call them. They give us the
20 runaround like everybody else did, all the time
21 runaround to the point where we just—I just stopped
22 calling them myself. When we—when we lost the job, I
23 went in like another regular day thinking am I going
24 to get my paycheck? The work, no trucks is out.
25 Supervisors comes out and no work and no pay. I mean

2 there was no pay. I didn't just bust my ass for a
3 week, six days, barely got sleep, having to wake u
4 and rush to work because I'm waking up late because I
5 didn't get enough sleep. That was messed up [bell]
6 but I hope—I hope that you all do your job as you all
7 say you're going to do and fight for our rights for
8 what we need as a worker, and as a human being.

9 CHAIRPERSON REYNOSO: I appreciate your
10 testimony. Do any of you guys work right now,
11 working in the sanitation industry?

12 EDUARDO LESEN: To be honest, I ain't
13 even rushing back into the sanitation just because of
14 the simple fact of what happened.

15 CHAIRPERSON REYNOSO: Right.

16 ALEX ALMONTE: I work but I work Local 1
17 staging. That's what I do now because like he said,
18 I've been doing this for so long my body can't take
19 it, and I just got my body out of not being used to
20 going in the garbage because you sit there and you
21 get in trouble for something. They give you a week
22 off. You think your body would recuperate. No, your
23 body wants to go out there and be on the back of the
24 truck and that's not normal. So, now that I'm not
25 feeling that way that I need to go out there and

1
2 fling all this garbage and do all this movement, I'm
3 not going back and putting myself through that, and
4 I'm happy that the city made that law that nobody has
5 to ride on the back of the stairs. Windsurfing,
6 that's the worst thing you can do to anybody because
7 the driver is going 40 miles an hour. He's not
8 trying to make you fly with that truck purposely, but
9 we got 1,500 stops to pick up. So, everybody is doing
10 their best just to please this company, and they're
11 not pleasing nobody by theirself.

12 PEDRO GARCIA: I work, for Royal Waste
13 right now. That's another 813-another 813 union
14 involved. They—they opened up their doors about
15 three weeks after the Salvage got closed down. I
16 was—I was applying everywhere. I applied at Waste
17 Connections, Action. Everybody told me that they got
18 no space for helpers right now, but Royal opened up
19 their doors for me. So, right—so right now I'm still
20 working for the—for the waste service, you know, for
21 the—for the sanitation field. I like it for right
22 now. I don't know nothing else to be honest, guys.
23 Like I said, I've been doing this since I was 18. All
24 I know is garbage right now. [laughs] So, like for
25 me personally, I haven't like I feel great now that I

2 left one bad company. Now, I went to a good company
3 and now you guys are all starting to fight for my
4 rights so--

5 CHAIRPERSON REYNOSO: Do you feel okay?
6 Was--they're taking care of you in Royal? Is it
7 different?

8 PEDRO GARCIA: It's like--it's like you're
9 taking a horse from a flaky (sic) from a broken down
10 farm and you brought them to flaky(sic) nice happy
11 track race. I feel good now. [laughs] I got
12 clothes. The guy give me gloves, hats. I never had
13 a Carhartt from a job. [laughs] Carhartt is a good
14 brand. It's winter out here. In Salvage I had to
15 work with frickin' three sweaters, two shirts, four
16 pants [laughs] Now--now these guys give me, you know,
17 they give me gloves, coats, sweaters.

18 CHAIRPERSON REYNOSO: Okay.

19 PEDRO GARCIA: I love it by the, way.

20 CHAIRPERSON REYNOSO: Well, I'm glad to
21 hear that, and--

22 ALEX ALMONTE: I wanted to add onto what
23 he said, too, also is that we did work in bad
24 conditions a lot. We--other than there were nights
25 that we done went out with no heat in the trucks.

2 PEDRO GARCIA: Well, none of the trucks
3 had heat.

4 ALEX ALMONTE: None of the trucks.

5 PEDRO GARCIA: Only the new trucks had
6 heat.

7 ALEX ALMONTE: The only way we was able--

8 PEDRO GARCIA: [interposing] They bought
9 four new trucks.

10 ALEX ALMONTE: --the only way we was able
11 to stay warm was--

12 PEDRO GARCIA: [interposing] Run.

13 ALEX ALMONTE: Run, run--

14 PEDRO GARCIA: [interposing] In the
15 garbage paths.

16 ALEX ALMONTE: --and just keep running as
17 fast as you can so your body could just generate heat
18 to keep warm.

19 CHAIRPERSON REYNOSO: And you guys are
20 all under--under 30? All of you.

21 PEDRO GARCIA: I'm going to be 30.

22 ALEX ALMONTE: I'm only 19.

23 CHAIRPERSON REYNOSO: You're only 19.

24 ALEX ALMONTE: Uh-hm.
25

2 CHAIRPERSON REYNOSO: So, it's just a-the
3 level of exploitation that's happening by Sanitation
4 Salvage is like it's so shocking. You know, they
5 take advantage of, you know, young men of color,
6 immigrants. It's anybody that they can get their
7 hands on. It just didn't matter to them. They
8 didn't discriminate when it came to who they—who they
9 take advantage of so--

10 PEDRO GARCIA: No, they listen to your
11 stories because they ask you when you're young, oh,
12 what brought you here so, you—they—they fill your
13 hurt and they manipulate that. Most of us is trying
14 not to get in trouble, not—not trying to be arrested
15 not trying to have to do this so we could have a
16 couple of dollars, and you see opportunity. Alright,
17 sanitation is supposed to make money. So, I'm gong
18 to do what I got to do. Alright, you start me off the
19 books but then you keep me like that? You make me
20 feel like a modern—like I'm a slave. I'm not trying
21 to make it seem like that, but it's like I'm a modern
22 day slave. I'm working for salvage. I was married
23 to garbage. I got three kids, two boys 7 and 8 years
24 old and they hardly know me because my wife and my
25 family was a garbage truck.

2 CHAIRPERSON REYNOSO: Okay.

3 ALEX ALMONTE: I would like to say one
4 thing real quick, and, you know, what we have to
5 realize another problem that this independent union
6 creates is, you know, we got the issue with the—the
7 locations where they are, but now, you got the good
8 companies that you have to go negotiate a contract
9 with. So, now, how do you negotiate a contract with a
10 good company that wants to do the right thing, but
11 they're—they're paying their workers \$28 an hour.
12 How can they compete with a company like Salvage and
13 a lot of other companies in the industry that's
14 paying their workers so low that's robbing their
15 workers? Their workers is dealing with wage theft.
16 They don't buy their workers uniforms, gloves, boots.
17 How—how can the good company compete? So, now the—
18 the independent union is hurting those workers and
19 they're hurting the whole entire industry because
20 you—the—the good companies you cannot get the wages
21 up. And they—and these companies have—they have a
22 legitimate beef: How can I compete with this guy? And
23 the answer is they can't compete with this guy
24 because this guy is not doing the right thing by
25 their workers. So, we have to keep that in mind.

1 It—it hurts the whole industry, the companies that
2 want to do the right thing. So, the, you know, I—
3 listen, I take this dare in a—I take this real
4 personal. I started back in this industry when I was
5 16 years old, and I was making \$14 and change an hour
6 as a Teamster back in 1985. I was making more back
7 then then these—these workers started making close to
8 30 years later. My son started in this industry
9 about seven years ago. He started at \$11 and change.
10 How does that happen? How was I making more money
11 than him 30 something years ago? How does that
12 happen? I'll tell you how it happens: Criminality,
13 collusion, corruption. So, you know, I want to see
14 something done here and I'm sure you—you, you know,
15 I'm sure the Council is going to do their job, but
16 listen, these stories—these are—these are kids and
17 it's—it's—what we hear today there are stories
18 throughout this whole industry like this, and it's
19 being done to kids and it's being done to black and
20 most Hispanic kids. So, like I said, I know we're
21 over time. You know, I expect, you know, and—and
22 these workers expect that this problem existed so
23 long because the right people didn't know about it.
24
25

2 Now that the right people know about it, we—we expect
3 change.

4 CHAIRPERSON REYNOSO: Alright.

5 ALEX ALMONTE: Thank you for having me.

6 CHAIRPERSON REYNOSO: Absolutely and I
7 appreciate it. Again, I appreciate your testimony
8 and thank you for coming out today.

9 ALEX ALMONTE: Thank you.

10 CHAIRPERSON REYNOSO: Steven Changaris,
11 Kendall Christenson and Zach Steinberg. [background
12 comments/pause] So, you guys can start from either—
13 either end of the table or the middle. It's three.
14 So go ahead. Steve. Oh, okay, sorry.

15 STEVE CHANGARIS: Thank you, Chairman.

16 My name is Steven Changaris. I'm not going to read
17 the testimony. I just want to go over the key points
18 in it. I work for the National Waste and Recycling
19 Association, the New York City Chapter. We wanted to
20 point out in the testimony that we've been supportive
21 of good changes that have come to New York City in
22 the world of waste and recycling legislation, and
23 regulation. We support Local Law 42. We have
24 supported the bikes safety guards. We've supported
25 organics. We've done a lot of good work in this

1 space to help move the safety and environmental
2 programs of New York City, and based on that kind of
3 a record, it shouldn't come as a great surprise to
4 you that we're here today supporting these bills. The
5 members companies understand the full effect of the
6 BIC Disclosure Reporting Requirement System. We know
7 it's worked well for the waste industry in terms of
8 the fitness and integrity of the companies that work
9 in New York City. We have no reason to believe that
10 it won't be good for the labor unions particularly
11 for the employees of those labor unions if or as
12 these problems are out there. So, we think the BIC
13 can go back and take a heard look at what's going on
14 in there. They can use that information to help
15 improve the standards and lower the volume here and
16 start healing some of the problems that you-you hear
17 about. So, that's the first case. We believe in the
18 disclosure. We think the program will work for the
19 labor unions. Second, in terms of reporting the
20 violations, I, you know, there's sometimes a lot of
21 public debate about two Americas of three Americas or
22 maybe 15 Americas depending on who you listen to, but
23 I believe in the enforcement of the rule of law, and
24 I just cannot say that if anyone that is harmed by
25

1 someone not—again, what my members have taught me
2 over the time is that, you know, they work hard to
3 run a good company. They pay their people well.
4 They're good—they have good trucks. They have good
5 relations with their communities. That's—that's
6 where we're a significant industry a very large
7 national industry. We're everywhere around the
8 country provided by the service. My-my—the members
9 that [bell] inform me don't cotton to someone—it's
10 not rational. You can't have someone else in the
11 marketplace violating the rules. It distorts
12 everything like the last speaker said. We agree with
13 that from a level playing field. We believe in
14 choice and competition. We believe in, you know, the
15 marketplace is the solution to a lot of our problems,
16 but you have to abide by the rules and regulations,
17 and if that—this new level of BIC oversight when
18 they're looking at a company's books and operations,
19 if they discover wage-an-hour violations, if they're
20 talking to employees when they are there, we totally
21 endorse the BIC working with the other agencies—the
22 alphabet agencies as you were—as it were, to go out
23 and get—get the bade operators. That will level the
24 playing field and, you know, that helps us as
25

2 companies, but it also helps the employees and our
3 businesses run better. And the last point is about
4 the—the information. It just makes common sense. If
5 people have rights and employers—if the city—again,
6 we believe most of our folks if you go to their
7 message boards, they're going to have their rights
8 pretty much disclaimed and up there already. They're
9 going to have websites, but to the extent that
10 someone is not doing that, we totally agree that—that
11 whether it's up on the—you know, again, we're moving
12 into the 21st Century here. So, it doesn't always
13 have to be on a, you know, posted on a board or
14 something or a website, some action, some—some place
15 where the employee can actually get the information
16 is really key and important. So, we have to keep in
17 mind even submitting the testimony today, it would be
18 nice to hit a send button and do it electronically,
19 but we like written copies here. So, we are moving.
20 We believe in this stuff. We're on the bills. We
21 encourage them to do it, and the last two points I'd
22 like to make is that Commissioner Brownell noted it
23 in our testimony. We definitely talk about the
24 resources. If the City Council and your committee
25 and the City Council are going to task the BIC to do

2 this work that they really ought to give them the
3 additional resources to do it. They do an excellent
4 job when they dig in and these disclosure reviews are
5 intense-intense efforts. The other thing is that
6 we're also-we want to use the opportunity-the BIC has
7 a binding-a weight cap process. We want to use this
8 opportunity to have the BIC speed that up this year.
9 The kinds of things that you want to see and the city
10 wants to see this industry do costs money. They're
11 expense drivers as I noted in the legislation, and
12 we'd encourage that rate cap process to begin so that
13 we can make our case to help try to bring that up so
14 that we can hire the guys at better rates. We can
15 have better equipment, and we can be better corporate
16 citizens and, you know, make some of this kind of
17 situation settle down and become more normal. So, I
18 appreciate your time .

19 CHAIRPERSON REYNOSO: Thank you. Can I
20 ask a couple of questions? The-the rate cap
21 situation. So-so I agree that raising the rate cap
22 or not even having one could mean that, you know,
23 the-the companies that--

24 STEVE CHANGARIS: [interposing] We really
25 like you not having one, Mr. Chairman. [laughs]

2 CHAIRPERSON REYNOSO: I know that you
3 don't. My-my-my main thing is it's going to be a
4 cost on businesses and-and folks that say are-that
5 are against like waste zoning are going to make a big
6 case that this is bad for small businesses because
7 they don't want to raise-because it will be more
8 expensive, and for me what I see it is that the
9 expense is going to go to not having companies like
10 this do their work. And it's an argument that I'm
11 going to make, and I just feel that the industry
12 right now is playing it both ways, and -and I hope
13 when the conversation happens, that, you know, the
14 expense on businesses is indeed focal point of any
15 challenge to reforms that we're trying to make, and
16 more towards having a standard, an increased standard
17 across the board that is-that is responsible. And
18 then the second thing is does anyone in MWRE is-do
19 any of them have like it (sic) and the 1245 or these
20 unions that we call shame unions as-as unions within
21 that association?

22 STEVE CHANGARIS: I-I can't speak
23 definitively to that, but I think there's a-one of
24 the things that you have to learn about it-understand
25 about a trade association is that, you know, as long

2 as they're licensed to operate in a city or in a
3 jurisdiction or however that local government or
4 agency operate the solid waste system, they're free
5 to participate in a trade association. I can tell
6 you the--the way I look at that, the people who inform
7 my decisions, the people who control the organization
8 in terms of membership and leadership, believe that
9 this is a business to be here tomorrow, that we have
10 a corporate responsibility to be good actors to treat
11 our environment fairly, to treat our employees
12 fairly, and to do all the kinds of things that--that
13 you're concerned about. And on the issue of--of--of--of
14 an open and free competitive rate, that's the way the
15 American marketplace does it. The--the in--in many
16 analyses of the current rate cap system, it's a
17 legacy of the old world--

18 CHAIRPERSON REYNOSO: [interposing] Yeah.

19 STEVE CHANGARIS: --when there was a lot
20 of illegal corruption activity going on.

21 CHAIRPERSON REYNOSO: I understand that,
22 yeah.

23 STEVE CHANGARIS: With--with the
24 competitive nature of the market, the cost of service
25 should be the cost of service and, you know, again if

2 anyone is abusing that service, there should be
3 oversight and companies should be—just like wage
4 rates. If someone is stealing a laborer's wage
5 rates, we should—that should be addressed. We want
6 that enforced because too many of the other companies
7 in the industry pay that properly and do the—the
8 right stuff by their employees.

9 CHAIRPERSON REYNOSO: Yes.

10 STEVE CHANGARIS: So, we—we want to see
11 that enforced and we want to see active oversight
12 there, and good industry compliance.

13 CHAIRPERSON REYNOSO: I hear you. I
14 think a rate floor makes more sense than a rate cap,
15 but—but that will be another—a conversation==

16 STEVE CHANGARIS: [interposing] We've—
17 we've argued that in some places as well.

18 CHAIRPERSON REYNOSO: I hear you but a
19 conversation for another day. I think the big thing
20 here is that, you know, some of these businesses have
21 gone off the rails. This is not like a—a minor
22 incident. This a complete culture of, you know, of—
23 of madness in sanitation salvage and, you know, I—I
24 didn't know the extent of that. I think today opened
25 my eyes to more of the problems. So, I'm just saying

2 I hope—I'm—I'm grateful that you're standing with us
3 on these pieces of legislation, and as we continue to
4 do this that we—we continue to partner for—for the
5 greater good here and the workers have to be a part
6 of that in a real way, but thank you for your
7 testimony. Kendall.

8 KENDALL CHRISTENSEN: Thank you Mr.
9 Chairman and members of the Committee. I'm Kendall
10 Christensen, and I serve as the Executive Director of
11 the New Yorkers for Responsible Waste Management,
12 which is a consortium of locally owned and operated
13 waste service companies all of which are licensed and
14 regulated by the BIC. You have a statement from me.
15 It's brief. I will largely say ditto to what my
16 colleague Mr. Changaris just discussed with you. I
17 would make the following points: That first of all,
18 New Yorkers for Responsible Waste Management is
19 generally supportive of the three intros before the
20 committee today. They propose to leverage BIC's
21 existing regulatory and oversight capacity with
22 respect to this industry. To a large extent, they
23 reflect the—the current practices of the
24 approximately 30 companies that together provide more
25 than 90% of the city's commercial waste and recycling

1 related services. Those companies operate
2 professionally and comply with a wide range of
3 general laws and industry specific regulations that
4 include worker protections, fair compensation and
5 good benefits including unions chosen by their
6 employees. But we support these intros because they
7 also make the broader point the issues of immediate
8 concern regarding the waste services industry can be
9 readily and effectively addressed by the existing
10 regulatory system operated by BIC without the city
11 having to resort to the extreme risking and untested
12 concept of creating geographic zones and selecting
13 just a few companies to provide services in each
14 zone. That system would not be fully implemented
15 until at 2024, five years from now. No reason to
16 wait until then, but to take advantage of BIC's
17 existing capabilities now. That approach is the
18 basis for Intro 996 introduced by your colleague
19 Council Member Cornegy that addresses the same goals,
20 but does so sooner, better and cheaper that opens
21 with a section outlining a driver certification
22 initiative focused on enhancing industry safety and
23 proceeds to sections addressing RAD efficiency, waste
24 diversion and other matters including employee
25

1
2 protections that directs BIC to convene a task force
3 [bell] to update the BIC's 20 years worth of
4 regulations, which has been successful in achieving
5 their goals of promoting choice in completion, high
6 levels of customer service and cost-effective
7 pricing, and supporting the city's environmental
8 goals related to commercial recycling and organics
9 diversion as well. We recently saw your counterparts
10 in the San Diego City Council making a similar
11 determination to work within its existing open market
12 licensing system for commercial waste providers, and
13 rejecting a zone franchise system such as that
14 adopted by their neighbors in L.A. So, thank you for
15 this opportunity to testify. I look forward to
16 further conversations with you about these issues.

17 CHAIRPERSON REYNOSO: Thank you and I
18 just want to ask you the same question, just do any
19 of the companies that are within your association
20 have these sham unions or these fake unions that are—
21 that I believe hurt the—the good companies that are
22 doing the good work?

23 KENDALL CHRISTENSEN: I can't speak to
24 any of those companies, and we'll do that in the same
25 that Steve indicated, but I would say that the

1
2 research we did a few years ago indicated that about
3 60% of employees in this industry are represented by
4 one of the four or five unions that operate within
5 it.

6 CHAIRPERSON REYNOSO: Yeah, so that's a
7 yes, I guess, but from both of you guys. I just want
8 to encourage you that there should be some type of
9 accountability. I always call—I always say this with
10 this industry. There just doesn't seem to be any
11 like legitimate self-policing, and it's almost like
12 you guys just walk around like, you know, yeah, we
13 got some bad guys, and we let them hang with us all
14 the time. There has to be a time when you could just
15 say, you know, what? The good guys we appreciate the
16 work you do. You bad guys, we're just going to
17 abandon you. We're going to turn our—we're going to
18 turn our backs on people that are like messing up the
19 industry or giving you a bad name and so forth. I'm
20 just—I—if I go through the list of the organizations
21 or all the businesses that you have, I guarantee some
22 of them have these unions that are doing a disservice
23 to the greater good and the good players. So, I just
24 want to put it on you a little bit but, you know,
25 like do—do your job so that we don't—so I don't need

2 to continue pass legislation that you fight me on,
3 and these I—I'm happy that you're on the same page
4 with me, but I wouldn't have to do that if there was
5 some better self-policing. That's all. I just think
6 you should do your part. REBNY.

7 ZACH STEINBERG: Thank you. Mr. Chairman.
8 My name is Zach Steinberg, and I'm Vice President of
9 the Real Estate Board of New York. REBNY supports
10 this committee's efforts to better protect workers in
11 the private waste hauling industry, and ensure that
12 employers in this industry comply with all workplace,
13 health, safety and wage laws The well documented
14 failures by some firms in this industry as
15 highlighted by the testimony today is of great
16 concern and definitely warrants your action. For
17 this reason, REBNY supports legislation that would
18 empower BIC with greater authority over the private
19 waste hauling industry including the measures under
20 consideration today, and we support the efforts to
21 fill gaps in existing city law. REBNY believes these
22 bills provide an important foundation for additional
23 legislation to enhance BIC's authority to further
24 protect workers while also accomplishing the city's
25 goals of reducing congestion and truck traffic and

1 improving public health. Specifically, we encourage
2 the committee to enact Intro 996, which would enhance
3 BIC's authority in other key ways, including through
4 improving workers' safety by requiring BIC to
5 standardize safety certifications and mandating
6 employers provide actual training, reducing pollution
7 by giving BIC the authority to establish emissions
8 limits for collection vehicles and encourage and
9 improve RAB design to reduce vehicle miles, and the
10 horrors we heard about earlier increasing BIC's
11 ability to better utilize technology to improve
12 industry operations, which REBNY hopes would include
13 utilizing GPS technology to track vehicles and
14 encourage more efficient routes, and also enhancing
15 publicly available data information about the
16 industry. These enhancements along with the
17 authority provided in the legislation we're
18 considering today would be a forceful way for the
19 Council to address the very real concerns by ensuring
20 the kind of funding and the regulation of the private
21 waste hauling industry. Thank you.

23 CHAIRPERSON REYNOSO: Thank you for your
24 testimony. Thank you for your testimony. We have
25 our last panel coming up. Major Sutton from I Can;

2 Esham, Eric Goldstein. I still can't get it right.

3 Percy Gaines, Calvin Andrews and Alexis Robinson. I

4 still can't get it right. [background comments/

5 pause] And we're going to start from the left to-my

6 left to the right. So, you can go ahead and start.

7 Make sure that the mic is on.

8 CALVIN ANDREWS: Good afternoon, ladies

9 and gentlemen. My name is Calvin Andrews. I've

10 working for Sanitation Salvage for eight years now.

11 I started in 2011, and in 2012, I got on the books,

12 but I worked a whole year off the books and receiving

13 \$80 a night. In 2013, I also had got injured, smashed

14 between the truck and a train station pole as well I

15 have a lump in my chest. You know what I'm saying?

16 I've been out of work for like two weeks. I went

17 back to work immediately because I had a baby mama

18 that's five months pregnant. So, I could have stayed

19 home, but they never gave me no commission, no pay,

20 no nothing. So, I had to go back to work right away

21 after I healed up. You know what I'm saying? So, as

22 far as my story, I know everything that was done.

23 I've been there eight years.

24 CHAIRPERSON REYNOSO: Are you working for

25 another company right now?

2 CALVIN ANDREWS: No, not at all.

3 CHAIRPERSON REYNOSO: Okay, are you
4 looking to work for another company?

5 CALVIN ANDREWS: No. [laughs]

6 CHAIRPERSON REYNOSO: Okay, well, I
7 appreciate your time and your testimony. I really
8 do. Thank you.

9 CALVIN ANDREWS: Alright thank you.

10 CHAIRPERSON REYNOSO: Thank you.

11 PERCY JAMES: Good afternoon, ladies and
12 gentleman. My name is Percy James. I've been with
13 the company since 2008. I worked on the bus for
14 three years, and from there they put me on the
15 payroll. When they put me on the payroll, I was a
16 flat salary. The route I had was in Manhattan. I
17 started at 11:00 at night, and I get off at 6:00 in
18 the afternoon the following day. I get to my house
19 and do the same thing all the next day for six days a
20 week, and we basically been out there working all
21 them hours like in the city. I'll come home and see
22 my kids for two or three hours. I go right back. I
23 do the whole thing all over again, and it's like
24 instead of them taking care of us, they did us wrong,
25 and you all put a stop to it, but it's going to keep

2 on treating wrong. There are other companies who do
3 the same thing right now. Right now in the place I'm
4 at, I'm ready to go home and see my family. So, I'm—
5 I'm glad you all gonna put a stop to this. I
6 appreciate.

7 CHAIRPERSON REYNOSO: What company do you
8 work for now?

9 PERCY JAMES: I work for Royal Waste
10 Service.

11 CHAIRPERSON REYNOSO: Right, you do.
12 Okay. It's night and day the—the way they treat
13 people?

14 PERCY JAMES: Yeah.

15 CHAIRPERSON REYNOSO: Alright.

16 PERCY JAMES: The place I'm at now they
17 treat you with respect.

18 CHAIRPERSON REYNOSO: Alright.

19 PERCY JAMES: They take care of you, but
20 the other place I was at I started my route at 11:00
21 at night, and I get off 2:00, 3:00. So, that's how
22 far in the afternoon. I see people go to work. They
23 come and I'm still on that truck, and I turn around
24 and go to my house and two hours later I'm back out
25 the door again, and I did it for several years. They

1 don't respect us. They never cared about us. You
2 get hurt, they don't care about that. You go for
3 unemployment they threaten to fire you. So, it was
4 like thee was no one situation with me. They put
5 your back against the wall and they didn't care, and
6 it hurt. It hurt a lot. I went through a lot of
7 problems with them. I lost a lot and that's working.
8 In August of this year they shut down. August—just
9 from there for August to now, I'm still trying to
10 catch up with my bills. They—they didn't call us to
11 tell us nothing. They didn't think about helping us
12 [bell] while we stick our back out for them, and I
13 don't think it was fair.

14
15 CHAIRPERSON REYNOSO: Thank you again for
16 your testimony. I appreciate it.

17 PERCY JAMES: You're welcome.

18 ALEXIS ROBINSON: Hey, how you doing? My
19 name is Alexis Robinson. I worked for Salvage for
20 three years. I was two years off the books, getting
21 paid \$80 a night, and I just go on the books like a
22 year ago, and like honestly like we used to work
23 hard, you know, day and night and, you know, the same
24 thing you're saying, you know, we were just—it was
25 times that we used to be on the truck all day, and we

1 see people that we see them go home, and then we're
2 still on the truck and they've going back to work and
3 we're still on the truck, you know busting sweat and
4 tears for them, you know, and it was a hard company
5 to deal with, you know. They used to honestly use
6 us, you know. If we—if we—we was doing almost like
7 80 hours—like 80 hours a week. You know, sometimes
8 we tell them like, you know, we're tired, you know.
9 And it was times that I used to be on the trucks with
10 drivers they used to nod off on the truck like I'm in
11 the back holding on for my life, and the driver just
12 nod off and hit a car and I'm in the back. Thank
13 God. At times I used to just jump off quick, and,
14 you know, when I started noticing that, I used to
15 just tell certain drivers like, you know, just pull
16 of like, you know, and take a little nap. You know,
17 I'd rather be safe than us get hurt, you know, but,
18 you know, there were a few times they used to just
19 not really care for us. They used to just want their
20 job to be done. They never made sure we was okay or
21 nothin'.

23 CHAIRPERSON REYNOSO: Do—do you—are you
24 still working in the industry?

2 ALEXIS ROBINSON: I was still working
3 with them, but when they—like before they closed, I
4 got into an argument with one of the supervisors
5 about—because I was getting hurt on my back because I
6 had a slipped disc, and I was telling him that I was
7 hurt, but he honestly didn't really care about that.
8 He just said, Don't come back. We'll—we'll call you
9 when we want to. Like, so I was just like wow, like,
10 you know, and I've been out of work since August.
11 It's going on like six months with no work. I just—
12 before I got here I just came from Everett Company.
13 I just tried to get a—I just filled out the
14 application. They just told me to come in today to
15 interview me and all that, and I was sitting there
16 hoping that they hire me. They just told me they'll
17 call me back next week or something.

18 CHAIRPERSON REYNOSO: Okay, good luck
19 with that and I appreciate again your testimony. It
20 looks like, you know, they take advantage of a lot of
21 young people, and—and made it very difficult for you,
22 but we're—we're paying attention and, you know,
23 [bell] the—what you see in Royal is going to be more
24 of the norm as opposed to what we saw in Sanitation
25 Salvage because of your voices and the work you did.

2 I want to be clear that all the Sanitation Salvage
3 people that are speaking today it's because of your
4 voices that this even started and how it's going to
5 end. So, thank you for standing up, and I really
6 appreciate all your testimony, and you taking the
7 time of your day to come over here to try to make a
8 difference and you—you will see a difference, and I'm
9 looking forward to—when we sign this bill, you all
10 being up there getting pens from the Mayor because
11 you deserve to be there. Alright? [applause]

12 MELISSA ESHAM: Okay a hard act to
13 follow.

14 CHAIRPERSON REYNOSO: Yeah.

15 MELISSA ESHAM: My name is Melissa Esham
16 and I'm a senior staff attorney in the Environmental
17 Justice Program at New York Lawyers for the Public
18 Interest. NYLPI has advocated and litigated for
19 environmental justice in New York City for more than
20 two decades. NYLPI Environmental Justice Program has
21 long focused on the detrimental effects of the city's
22 commercial waste system, and I have worked in the
23 area of waste regulation for five years. NYLPI is a
24 member of the Transform Don't Trash NYC, a coalition
25 of labor, community and environment groups advocating

2 for fundamental reform of the broken commercial waste
3 system. NYLPI strongly supports the bills being
4 heard before the Sanitation Committee today as an
5 important step toward holding private hauling
6 companies accountable for their labor practices,
7 safety practices and the unreasonably long hours and
8 routes required of drivers and helpers in this
9 dangerous industry. We once again laud Chair Reynoso
10 for his leadership and vision in introducing two of
11 these three important bills and the entire Sanitation
12 Committee for giving time and space to hear what the
13 workers in this industry have to say today for the
14 voices have for far too long been silenced. These
15 three bills are a stark reminder of how corruption
16 and organized crime continue to be a part of the
17 reality in the commercial waste industry despite
18 three decades of work by the Business Integrity
19 Commission. Intro 1329 in particular serves to close
20 what has been a loophole in BIC's oversight
21 authority, which has allowed individuals with ties to
22 organized crime to continue to work in the trade
23 waste industry. As officers of sham unions notorious
24 for cutting sweetheart deals with employers while
25 doing little to represent workers who perform

1 dangerous and often exploitative work every night.

2 As ProPublica has reported, sham unions with long

3 histories of corruption are in place at several

4 private hauling companies with troubled safety

5 records and multiple allegations of wage-wage theft

6 by workers. The employers of sham unions are also

7 those most vocally opposed to the reform of the

8 industry going so far as to form their own industry

9 association, which apparently is still in existence

10 called New Yorkers for Responsible Waste Management.

11 Because all three of these bills would increase BIC's

12 ability and mandate to protect workers, NYLPI fully

13 supports them. But while these bills are an

14 essential first step towards ridding this industry of

15 sham unions [bell] protecting vulnerable workers and

16 improving working conditions, without rigorous and

17 full enforcement they will not be enough to alter the

18 dangerous inefficiency and race to the bottom

19 atmosphere of the private carting system. Currently

20 despite the fact that the Commission has vast

21 authority to make findings of lack of good character,

22 honestly, and integrity based on everything from the

23 submission of an untruthful document to owing back

24 taxes, more often than not the commission simply

2 resolves violations of existing laws with settlements
3 rather than making a full finding of a lack of good
4 character, honesty and integrity. Further, there is
5 ample evidence that the already existing record
6 keeping and reporting requirements for trade waste
7 haulers are violated routinely for example with off-
8 the-books- off-the-books workers and although haulers
9 are rarely issued serious violations or denials for
10 this behavior, even when they have potential-have
11 potentially serious implications. Even wit the
12 adoption and enforcement of the important bills being
13 heard today, the commercial waste industry remains in
14 dire need of fundamental reform. Only the new
15 incentives and increased enforcement leverage enabled
16 by the upcoming transition [bell] to a zoned
17 commercial waste system will ensure that waste
18 companies adopt safer, more efficient and
19 environmentally sound operating practices. Under the
20 zone system the city will execute long-term contracts
21 with a hauler or haulers selected to serve each
22 commercial district giving BIC and DSNY much greater
23 leverage to negotiate and enforce safety,
24 environmental and equity standards. In conclusion,
25 NYLPI enthusiastically supports Intro 1329, Intro

2 1368 and Intro 1373 and we look forward to continuing
3 to work with BIC, DSNY, and the Mayor's Office and
4 City Council to ensure that the upcoming zoning plan
5 truly implements the holistic reforms that are
6 necessary to make this industry safe for all its
7 workers and everyone on our streets. Thank you.

8 CHAIRPERSON REYNOSO: Thank you, Melissa.

9 ERIC GOLDSTEIN: Good afternoon Chairman
10 Reynoso. Today's hearing really does belong to the
11 workers and their testimony was moving and powerful.
12 My name is Eric Goldstein. I'm the New York City
13 Environment Director at the Natural Resources Defense
14 Council. As you know, NRDC is a national non-profit
15 legal and scientific organization active on a wide
16 range of environmental health, natural resource
17 protection, and quality of life issues
18 internationally and naturally and right here in New
19 York City. It might seem surprising at first for a
20 national environmental group to be coming out to
21 support legislation aimed at securing and protecting
22 the rights of Sanitation workers, but it shouldn't
23 be. We can't be said to be protecting New York
24 City's environment if we disregard the mistreatment
25 of workers who collect the commercial waste that New

2 Yorkers generate. On the eve of the 50th Anniversary
3 of the birth of the modern environmental movement we
4 know that environmental protection and social justice
5 must go hand-in-hand. Ensuring that private
6 sanitation workers are given basic information on
7 working conditions, are fairly paid for their time on
8 the job and are represented by labor unions that meet
9 at least minimum standards of good conduct or rights
10 that are fundamental to adjust an equitable waste
11 collection system. It's important to note that some
12 private Sanitation workers are being treated fairly
13 by their employers, but all Sanitation deserve this-
14 Sanitation workers deserve these basic human rights.
15 For these reasons, NRDC strongly supports Intros
16 1329, 1368 and 1373. Passage of these three sensible
17 progressive bills will mark an important step
18 forward in enhancing the commercial waste industry in
19 the city. We thank you, Chairman Reynoso for your
20 tenacious leadership on these and related issues, and
21 we know that we can count on you, on Speaker Johnson,
22 and your colleagues in the Council to keep the
23 momentum for reform going and to propel [bell]
24 commercial waste zoning further later this year.

2 Thank you again for holding this important hearing,
3 and for moving this legislation.

4 CHAIRPERSON REYNOSO: Thank you. I
5 appreciate NRDC's testimony. I just want to thank
6 everyone again who stood to the end here listening to
7 all the testimony of the workers. I'm very excited
8 to close this hearing because after this, the next
9 hearing would be a hearing fro a vote on the
10 committee, and then it would to a full vote. This is
11 something that I'm going to be demanding of the
12 Speaker that we move as fast as possible, and I'm—and
13 these stories brought into more perspective how many
14 changes we need to make in this industry. We knew it
15 was bad, but every time we hear another voice, a new
16 voice from the workers, it gets worse. So, we got a
17 lot of work to do. So, we're going to conclude this
18 hearing and move forward with change. Thank you and
19 [gavel] the meeting is adjourned. [applause]

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C E R T I F I C A T E

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



Date February 20, 2019