



Legislation Details (With Text)

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**Title:** A Local Law to amend the New York city charter, in relation to business integrity commission oversight and regulation of the trade waste and recycling services industry

**Sponsors:** Robert E. Cornegy, Jr., Mark Gjonaj, Barry S. Grodenchik, Fernando Cabrera, Joseph C. Borelli

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**Attachments:** 1. Summary of Int. No. 996, 2. Int. No. 996, 3. June 28, 2018 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 6-28-18, 5. Minutes of the Stated Meeting - June 28, 2018

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Int. No. 996

By Council Members Cornegy, Gjonaj, Grodenchik, Cabrera and Borelli

A Local Law to amend the New York city charter, in relation to business integrity commission oversight and regulation of the trade waste and recycling services industry

Be it enacted by the Council as follows:

Be it enacted by the Council:

Section 1. Chapter 63 of the New York city charter is amended by adding a new section 2103 to read as follows:

§ 2103. Additional regulation of the trade waste industry.

a. Safety. The commission shall establish regulations creating standardized safety certifications for industry employees, requiring that each company annually conduct regular safety trainings for its employees and ensuring that all new employees are properly trained. The commission shall establish the curriculum of

such safety training, including the topics to be covered by such training and the number of hours required to receive a certificate for such training, provided that such topics shall be related to safeguarding the public from potential dangers posed by the trade waste industry. Such training curriculum shall include, but is not limited to, a defensive driving course using vehicles or a driving simulating technology to be approved by the commission. To receive a license pursuant to section 2103(b), each employer shall provide safety training to each employee. Upon completion of such training, the commission shall issue a safety training certificate to such employee. The commission shall promulgate rules permitting such employee to transfer such certificate any company within the city who maintains such license.

b. Air quality. The commission may by rule establish allowable levels of emissions of harmful or objectionable substances, noise, and other impacts for collection vehicles. The commissioner may by rule require verification that trade waste vehicles comply with section 24-163.11 of the administrative code.

c. License. The commission shall by rule establish a category of licenses for companies engaged solely in the collection of commercial and industrial waste, including designated recyclables and organics, but not including construction and demolition debris, greases, textiles, electronic waste, hazardous materials and regulated medical waste.

d. Improved competitiveness. The commission may by rule regulate the trade waste industry to encourage more efficient collection routes while maintaining customer choice and supporting competition. Such rules may address: (i) the use of sub-contracting between companies, (ii) the allowable term of contracts, and assess the efficacy of the rate fixing, (iii) approval by the commission upon satisfaction of any sale of one company to another company, the acquisition of such selling company's current customer accounts provided that, within 90 days after the acquisition, the customer may choose to opt-out of the contract without any penalty and the commission shall establish rules of notification of the choice to opt-out to customers who have been acquired in sale.

e. Route efficiency initiatives. The commission shall develop rules and procedures that encourage,

oversee and monitor the annual exchange of customers between service companies with customer approval for the sole purpose of encouraging efficient provision of services, and support other means of promoting collection efficiency.

f. Insurance. The commission shall by rule require that companies possessing a trade waste services license maintain liability insurance policy for at minimum \$2 million for any personal injury to any third parties.

g. Maintain customer choice. Notwithstanding this section, neither the commission nor the city shall adopt any rules that interfere with a business' choice of waste services provider.

h. Industry employee support. The commission shall require companies to report on an annual basis, wage and benefit information to the commission.

i. Technology. The commission shall develop rules regarding emerging technologies that improve services and operations.

j. Data. The commission shall develop methods for collection, analysis and publication of essential data regarding composition of and operations of the trade waste sector, including environmental metrics.

k. Report. On an annual basis, the commission shall deliver to the mayor, to the council and to the task force established pursuant to subdivision k, and post on its website, a report containing information on the workforce of trade waste companies licensed pursuant to this section. Such annual reports shall include employee demographic information based upon data aggregated from employment reports.

l. Task force. The commission shall establish a task force to conduct a comprehensive review of existing law and rules, assess current industry practices and offer recommendations, advise on goals for the industry and establish a timeline to meet goals. The task force shall be comprised of four appointees by the mayor, three appointees by the speaker of the council, and one appointee by each borough president, none of whom may be employees of the city; the mayor shall appoint the chairperson. Members shall have experience in one or more aspects of waste, recycling and organics management, including representatives from the industry, facility

management, and environmental advocates. All such members shall serve without compensation.

§ 2. This local law takes effect immediately.

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