



# sanitation

**Kathryn Garcia** Commissioner

## **Opening Statement of Kathryn Garcia, Commissioner**

### **Hearing before the New York City Council Committee on Sanitation & Solid Waste Management and Committee on Contracts**

**Tuesday, February 28, 2017**

**10:00 A.M.**

**250 Broadway – 14<sup>th</sup> Floor Committee Room**

### **Oversight Hearing: The Potential for a Work Stoppage at Sims Metal Management and its Potential Impact on Residential Recycling**

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Thank you Chair Reynoso, Chair Rosenthal and members of the Committee on Sanitation and Solid Waste and the Committee on Contracts for inviting me to appear at this hearing and for your ongoing commitment to promoting fair labor policy and practices. I am here with Bob Orlin, Deputy Commissioner for Legal Affairs for the Department. I have a few opening remarks after which I'm happy to answer your questions.

As envisioned by the City's 2006 comprehensive Solid Waste Management Plan, the City is currently in the ninth year of a long-term service contract between the Department of Sanitation and Sims Municipal Recycling of New York LLC ("Sims"), for the Acceptance, Processing and Marketing of Recyclables. The Contract requires Sims to accept recyclables from the Department for processing and marketing at Sims' facilities in Jersey City, New Jersey, and in the Bronx, Brooklyn and Queens. The Department delivers all of the Metal, Glass, and Plastic ("MGP") that it collects citywide to Sims, in addition to approximately half of the Paper and Cardboard collected in the Department-managed waste stream.

In Fiscal Year 2016, the Department delivered 267,517 tons of MGP to Sims at a total cost of \$19.86 million and 149,544 tons of mixed paper for a total of \$1.98 million in revenue. The Department's long-term contract with Sims ensures that we have a long-term partner for our recycling program and stable, predictable pricing for processing recyclables. This relationship is a key component of the City's long-term waste strategy as we work toward our goal to send zero waste to landfills by 2030.

Each of Sims' facilities, barring an uncontrollable circumstance, must be able to receive recyclables throughout all twenty-four hours of each designated workday, Monday

through Saturday and, during declared emergencies, on Sundays and Department holidays.

As Sanitation Commissioner, I am extraordinarily proud to have a workforce that includes nearly 6,400 Teamster Sanitation Workers, and I am proud of the close working relationship that the Department has with Teamsters Local 831 and their President Harry Nespoli. Together with the Mayor and in furtherance of the policy of this Administration, we fully support workers' rights to organize and bargain collectively. Regardless of whether Sims' workers at the Brooklyn facility unionize or not, we expect Sims to provide its contracted recycling services to the City over the long-term and to continue to be a reliable and cooperative partner in our citywide recycling efforts. We also expect that all applicable laws and regulations regarding wages, working conditions and equal employment policies are strictly upheld. To date, during the term of this Contract, the Department has not had any service disruptions resulting from labor disputes at any Sims facility.

Thank you again for this opportunity to testify this morning, and I look forward to working with you to accomplish our mutual goals of promoting sustainable waste management practices. I'm now happy to answer your questions.



**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL  
BEFORE THE NEW YORK CITY COUNCIL'S  
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT &  
COMMITTEE ON CONTRACT REGARDING  
POTENTIAL FOR WORK STOPPAGE AT SIMS METAL MANAGEMENT &  
ITS POTENTIAL IMPACT ON RESIDENTIAL RECYCLING**

Good morning, Chairman Reynoso, Chairwoman Rosenthal and Members of the Committees. My name is Eric A. Goldstein and I am New York City Environment Director at the Natural Resources Defense Council ("NRDC"). As many of you know, NRDC is an international, non-profit legal and scientific organization with more than 2 million members and on-line activists. NRDC was founded in 1970 right here in New York City and for decades has devoted significant attention to safeguarding environmental health, natural resources and the quality of life in the nation's largest city. As part of that work, we have been long been active on solid waste issues, where our goal has been to transform city waste policy from primary reliance on landfilling and incineration to one that has waste prevention, recycling composting and environmental justice as its cornerstones.

I am pleased to be here today, February 28, 2017, to testify regarding a possible work stoppage at Sims Metal Management and the potential impact of any such move on recycling operations and the city more generally. At the outset, let me thank you for convening this important hearing. This is exactly what the Council should be doing in its oversight capacity -- inviting all the relevant parties to come in and testify, to bring the facts on important matters to public light. So bravo to you and your staffs for choosing this topic for today's hearing.

What makes the ongoing labor dispute at Sims a matter of importance to all New Yorkers is the central role that Sims' Sunset Park facility places in the city's overall trash disposal operation. Simply put, Sims is the main switching station for the hundreds of tons of recyclables that the city collects throughout the city every day. In addition to handling some paper, Sims has the exclusive contract for all of the metals, glass and plastics that the city has designed as recyclable. Its sophisticated equipment sorts and bales these recyclables, and Sims then ships the consolidated commodities, mostly by barge and rail, to markets around the world.

The Sims recycling facility and the 20 year contract which it has with the city have been good for New Yorkers. The contract has provided the Sanitation Department with a reliable off-take partner for the recyclables collected in the city's program. The facility itself is in many ways

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a model of sustainability – from the recycled steel used in the building’s construction, to the recycled glass aggregate used to elevate the site, to the building’s solar panels and power-generating wind turbine, to its on-site recycling education operation. But more relevant to today’s discussion is the primary role that this facility plays in handling so much of the city’s recyclables on a daily basis. For the city to succeed in its ongoing efforts to boost recycling, the single most indispensable infrastructure is the Sims Sunset Park facility. If the City is going to come close to Mayor De Blasio’s ambitious goal of zero waste by 2030, it is going to need the Sims Sunset Park facility up and running at maximum efficiency and with labor peace.

For such reasons, we are worried what would happen if a strike at this facility were to force its shutdown late this year. We have heard statements that, if there were to be a strike or labor-related closure of this facility, the city could simply send its recyclables to another Sims facility, say in Jersey City or the Bronx. But even if such facilities could handle the additional loads, such a shift in city trash-hauling would be disruptive, requiring more time and adding expense to the city’s existing recycling operation. And what if these facilities were also the subject of labor action, if picket lines were set up at these operations?

Perhaps our biggest fear is what happens if the city’s recyclables have no place to go or are temporarily sent to landfills. One thing that the city’s recycling history has taught us is that when changes are made in recycling, even if they are short-term in nature and recycling operations are quickly restored, long term damage to the program can occur. That is what transpired in the 2002, when the Bloomberg Administration suspended recycling collections for plastics and glass. Even though recycling pick-ups were restored over the months that followed, thanks largely to action by the City Council, the damage to the program proved to be lasting. The 2002 residential rate of recycling was over 20 per cent, but fell off significantly when plastic and glass collections were suspended. And even today, despite the ongoing efforts of the de Blasio Administration to enhance the program, the recycling rate has not yet returned to the 2002 peak.

So the lesson of history is that we should not assume that even temporary upsets to the city’s recycling collections will necessarily be benign. Everyone who cares about sustainable waste policy should view a disruption at the Sims Sunset Park facility as a potential threat to the recycling program and one that should not be taken lightly.

One final word: the Sims facility has been doing a good job in advancing a more environmentally sound solid waste policy in New York. But as Mayor de Blasio stated in releasing his OneNYC plan, “environmental and economic sustainability must go hand in hand.” The Mayor’s sustainability plan envisions “an equitable economy that offers well-paying jobs and opportunities for all New Yorkers to live with dignity and security.” Since it opened the Sunset Park facility in 2013, Sims has been a leader in helping to achieve the city’s environmental goals. Today we urge Sims to address the concerns of its dedicated work force and thus help make New York a more just and equitable city as well.



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On the ground – and at the table.

February 28<sup>th</sup>, 2017

My name is Priya Mulgaonkar, and I am here to testify on behalf of the NYC Environmental Justice Alliance (NYC-EJA). Founded in 1991, NYC-EJA is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens. Through our efforts, member organizations coalesce around specific common issues that threaten the ability of low-income and communities of color to thrive, and coordinate campaigns designed to affect City and State policies – including solid waste policies that directly affect these communities.

NYC-EJA has been a leader in advocating for a more equitable and sustainable solid waste system for over 20 years. NYC-EJA led efforts for comprehensive policy reforms to address solid waste and the impacts of dozens of transfer stations on a handful of low-income communities of color throughout New York City. Because a number of NYC-EJA's member organizations come from communities overburdened by garbage, we advocate for strong policies that minimize the impact of truck traffic in our neighborhoods, which leads to public health and safety concerns for residents.

New York City creates roughly 35,000 tons of garbage every day. This garbage is trucked to transfer stations in a small handful of NYC neighborhoods and then trucked back out of the City. Every day, garbage trucks needlessly travel thousands of miles throughout New York City polluting our air with diesel fuel, clogging our streets, and diminishing our quality of life. These impacts are greatest in those few low-income and communities of color where old truck-dependent transfer stations are clustered, and along the truck routes used to haul garbage. Not surprisingly, these same communities deal with many sources of pollution and the negative health consequences thereof – such as asthma, heart disease, and cancer.

Because a number of the NYC-EJA member organizations come from communities overburdened by garbage, our organization continues to be a key advocate for the landmark Solid Waste Management Plan (SWMP) adopted by Mayor Bloomberg and the New York City Council in 2006. The plan articulates two central goals: 1) Improve NYC's air quality and quality of life by taking trucks off the street and moving garbage by barge

and rail instead; and 2) Borough equity to ensure that each borough handles its fair share, and no community serves as the “dumping ground” for another.

Through the SWMP, the City also committed to a 20-year, public-private partnership with Sims Materials Recovery Facility in Sunset Park. As part of this contract, Sims pledged to use its existing regional network of waterfront acceptance facilities and its own fleet of barges to transport material to the new facility. Given the historic overburdening of our communities with trucks and solid waste facilities, our members applauded this initial shift from polluting land-based transfer stations to a system that relies more on cleaner, more efficient barges, as well as the commitment to diverting more trash from landfills and incinerators, which impact EJ communities all over the country and contribute greenhouse gas emissions that exacerbate climate change. The NYCEDC estimates that the use of barge and rail transport at the Brooklyn Materials Recovery Facility eliminates 260,000 vehicle miles per year – the equivalent of 150,000 truck trips annually.

However, when our partners in labor flagged alleged labor protection violations at SIMS, we grew increasingly concerned about a potential work stoppage, which would severely impact the City’s marine- and rail-based residential recycling system. A strike at Sims would once again re-route all of the recyclables to the low-income communities and communities of color where waste transfer stations are disproportionately clustered.

For Environmental Justice communities, the City’s commitment to Zero Waste cannot be achieved without addressing the inequity and injustice within the current waste system. This includes justice for our friends in labor, who represent people of color and immigrants that live in our communities. We strongly urge the City to enforce good, fair labor laws at the Sims Facility, and fulfill its equally important commitments to sustainability, good jobs, and waste equity.



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February 28, 2017

Good morning. My name is Brigid Flaherty and I am the Organizing Director at the Alliance for a Greater New York and I represent the Transform Don't Trash Coalition, a coalition of labor, community and environmental justice groups advocating for better standards in the commercial waste industry.

The environmental necessity of recycling is well-established. Last year, our coalition released a report called, "Clean City, Green Jobs: How Smart Recycling Policies Can Build NYC's Economy." With our research we were able to show the key role that recycling can play in New York's job creation strategy. If New York City were to increase its municipal solid waste (MSW) diversion rate, which includes residential and commercial waste, from its current 21% to 70%, we could rapidly create 3,300 new local jobs in processing recyclables and organic waste. Combined with the proven benefits for clean air and waste reduction, and along with other zero waste strategies, recycling can offer a critical pathway for our city to achieve sustainable job and environmental goals.

However, the stories we just heard from workers at Sims are unfortunately not unique to this facility. Recycling workers face serious hazards on the job, with research proving that recycling work can be dangerous and injury rates more than double the national average. Working long hours, these workers lean over conveyor belts sorting materials – pulling out things that don't belong, ensuring the best quality materials are bundled together for the highest value. They work with heavy equipment in dangerous situations – climbing onto and into massive conveyor belts and balers to clean them. They maneuver past huge front-end loaders and forklifts, and walk by heavy bales of material that, when unsafely managed, can fall on workers who are in the wrong place at the wrong time. Moreover, they deal with an array of inherently unsafe materials that should not be on the recycling line – used needles, chemicals, dead animals and broken glass.

Improving the recycling sector overall is not only possible – it's imperative for averting today's ecological crises, and protecting the health and well-being of this important group of climate workers who protect us all. We need significant reform to the waste industry to ensure that companies treat all workers fairly and with dignity. Under an exclusive collection zone system, quality jobs are achieved alongside equitable siting of facilities that respect the health and welfare of the city's most vulnerable communities. For recycling to truly be sustainable, the industry must actively reduce the environmental and public health burdens faced by communities that have hosted a disproportionate

share of waste facilities for decades. As our City designs and implements a zoned collection system for commercial waste, we have a significant opportunity to reform a historically under-regulated industry and to ensure that waste haulers utilize and construct recycling and organics facilities that are safe for workers and environmentally sound for host communities.

# **JOINT COUNCIL No. 16**

## **INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

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### **Testimony to City Council Sanitation Committee and Contracts Committee**

George Miranda, Secretary-Treasurer, Teamsters Local 210

February 28, 2017

Good morning, and thank you to Council Member Reynoso, Council Member Rosenthal, and the Sanitation and Contracts Committees for holding this hearing and inviting us to speak today.

New York City is the beating heart of the American labor movement today. A full 25% of New York workers are union members because they know it is the best way to protect themselves at work and ensure a good livelihood for their families.

Sims workers want that too. They want good jobs for their families. They want healthcare that they can afford. They want to be respected as much as any worker who is born in this country is respected.

Teamsters Local 210 represents Sims workers in Long Island City. Our members are covered by a union contract that guarantees fair pay, employer-funded healthcare and pension, a fair system for promotions and scheduling, and a grievance process for discipline. Above all, they have a voice at work.

If it's good enough for Sims workers in Queens, why does the company want to deny it to the workers in Brooklyn?

But at the end of the day, it isn't up to the company. It is up to the workers right here. These workers are committed to winning their union by any means necessary.

Of course, a strike is a last resort, but we are at the point of last resorts.

We could be on strike as soon as tomorrow. That is how serious this is. We could be on strike and there will be nowhere to recycle what Department of Sanitation workers, also Teamsters by the way, pick up from millions of New York City homes.

It's a big problem, but there is an easy solution. Sims can solve this today by respecting its workers and bargaining a contract with them.

Up to this point, their dreams of a union have been met with union busting by the company.

The National Labor Relations Board is currently looking at several serious charges by Sims workers alleging illegal anti-union activities by the company.

One union leader was demoted and denied a pay raise. Others were interrogated about their union support. Others were told that if they didn't like their jobs, they should just quit.

This is not acceptable at what was promised as New York's premiere recycling facility. Sims workers are committed to getting good jobs where they are treated with respect.

I've seen a lot of organizing campaigns. I have never seen a group of workers as strong or as committed as this group. I know they will stick together and they will win.

Thank you for giving us the opportunity to speak here today.



Tuesday, February 28, 2017

Re: Joint Hearing of the Committees on Sanitation & Solid Waste Management and Contracts regarding the potential for a work stoppage at Sims Metal Management and its potential impact on residential recycling.

Chair Reynoso, Chair Rosenthal, and Members of the Committees on Sanitation & Solid Waste Management and Contracts:

Thank you for the opportunity to testify today on the potential for a work stoppage at Sims Municipal Recycling facilities, and the potential impact of such a stoppage on the NYC residential recycling program. My name is Thomas Outerbridge and I am the General Manager of Sims Municipal Recycling (SMR). As many of you may know, SMR has a contract with the NYC Department of Sanitation (DSNY) to receive, process and market 100% of the metal, glass and plastic collected through the City's curbside recycling program.

SMR operates several facilities to service the NYC curbside program under our contract with DSNY. At one these facilities, the Sunset Park MRF in Brooklyn, there has been certain Labor-related activity in recent months, as so I assume it is this facility that is the reason for today's hearing.

From the beginning, before we even executed a lease for the Brooklyn property in 2008, it has been the Company's position that our employees should have the opportunity to vote as to whether or not they want to join a union. This is a position we have reiterated to our employees on many occasions, as well as to union representatives, elected officials, and other interested parties.

The Teamsters recently requested that we recognize them at our Brooklyn Facility, and waive our right to afford our employees the opportunity to vote. With all due respect to the Teamsters, I am here today to again reiterate our position, that we believe our employees should have the right to vote in a proper election administered in accordance with the rules of the National Labor Relations Board (NLRB). We do not believe that requesting an election encourages or justifies a work stoppage. We will respect whatever our employees decide regarding the union question.

For the record, I would note that we have union contracts and have gone through negotiations at various union locations in NY/NJ metro region, and have been very successful in reaching mutually acceptable agreements.

We appreciate the City Council's interest in this issue, and in the continued growth and success of the City's recycling programs. Thank you.

## **Testimony to City Council Sanitation Committee and Contracts Committee**

Jeffrey Gomez, Employee of Sims Municipal Recycling and Teamsters Local 210 member

February 28, 2017

Good morning ladies and gentlemen.

My name is Jeffrey Gomez. I am Puerto Rican and was born and raised and still live in Brooklyn. I have been working for Sims for about a year and it hasn't been a great experience.

I am constantly anxious that I could be fired regardless of you doing my job correctly. Management makes a point of reminding us of the list of prospects waiting to fill our jobs. The high turnover rate makes us feel dispensable. They show no appreciation or gratitude for the work we do.

One of the biggest and most important issues is the medical insurance. It is too expensive and mediocre coverage. Affording my healthcare needs has been very hard for me and my family and a good health insurance is very important to me and my family. Health is everything because without health you can't do anything.

I've missed several doctor's appointments due to expensive co payments. If I saw my primary care doctor and then he referred me to a specialist that's \$80.00 total. \$30 for primary care doctor and \$50.00 for the specialist. I can't afford that on what Sims pays, especially, if I had to miss work after getting hurt on the job.

And don't get me started on the prescription copays and other charges. I have nine prescriptions since the time of the accident which I haven't been able to take out. I'm having a hard time affording food, bills getting backed up, and I am behind on rent. Every dollar makes a difference for me and my family.

I joined the movement for a union after getting tired of seeing the abuses and disrespect towards my coworkers. Management announced over the radio that it was prohibited to speak Spanish. They purposely hire workers that do not speak English thinking they are more vulnerable and easier to manipulate. Then they tell us that we can't communicate in the language even though they know it is a safety issue.

The scheduling system is also not fair. Sims managers pick their favorites to work on convenient holidays where there's good pay. Other times when no one wants the overtime, they force people to work without any respect for seniority.

I recently got hurt and had to leave Sims in an ambulance. Today, about four weeks, later they still haven't provided me with a report to turn to the doctors, they didn't even give me the name of the company that handles worker's compensation for Sims.

I have been to the company and have spoken to one of the managers Scott Quinn and to Ivette from HR and no one seems to be interested in offering any help. I feel like they are playing games with me because I openly support the union.

I went to the NLRB and filed charges against the company and now I live in constant fear of losing my job any minute, because if you dare express your opinion you become a target. The company should want us to have job security too, because happy workers work better. When you have a union to represent you and a contract you are a lot more productive.

We tried to reason with the company, it doesn't work without representation because of that, we have decided that although no one wants a strike, we are willing to strike and do anything necessary to get our union and a contract.

Thank you.

## **Testimony to City Council Sanitation Committee and Contracts Committee**

Jhon Muñoz, Employee of Sims Municipal Recycling and Teamsters Local 210 member  
February 28, 2017

Good morning everyone.

My name is Jhon Muñoz. I live in Brooklyn, I'm Colombian, and work as a mechanic for Sims Metal Management in Sunset Park, Brooklyn.

When we came to work for Sims, we did it full of hope, having heard that Sims was an excellent company and would offer good jobs. We expected to build a future for our families and we expected to be able to fulfill our dreams.

We are proud of our work. Yes it is hard work and yes we expose ourselves to many dangers. We suffer through not only extreme high and low temperatures but are also exposed to things that people throw away that we can't even identify.

We do everything that is demanded of us and even more, but we are verbally mistreated, and we are not provided adequate safety protection. We continue here because we like to work, and because as parents, we need our jobs.

When we arrived in this great nation we did it with the hope of reaching the American Dream. We know that the only way to achieve it is to work with dedication, those are the values that we were taught. However, management is reluctant to recognize our right to be represented and form our union and for many of us the dream has turned into a nightmare.

We are in the struggle and we won't take it anymore, we are united and we will continue until our union is recognized and we negotiate a fair contract.

We are grateful for the unconditional support shown by Council Member Carlos Menchaca, a champion of fair causes, a defender of the workers and, as a Latino, he makes us very proud.

Thanks to the Council Member Antonio Reynoso and others for listening and the work they do towards democracy and justice for minorities and the working class.

Finally, we want to tell you that we are united, we are solid and, while a strike would be hard on our families, we are willing to do whatever is necessary to get the union recognized and get a contract. If a strike is our only option to get justice, we will go on strike.

Thank you very much.

## **Testimony to City Council Sanitation Committee and Contracts Committee**

Jordy Lopez, Employee of Sims Municipal Recycling and Teamsters Local 210 member  
February 28, 2017

Ladies and gentlemen, good morning.

Thank you to Sanitation Committee Chair Antonio Reynoso and Contracts Committee Chair Helen Rosenthal for inviting us to testify today.

We the workers, mechanics, and operators of heavy machinery of Sims, have decided to rise together and demand better conditions of work.

We the employees of Sims Metal Management are very excited about the step we have taken to join Local 210 of the International Brotherhood of Teamsters and demand better conditions, benefits, and respect from Sims.

For too long, Sims managers have treated us like children. When we complain about unfair schedules, or expensive medical coverage, or favoritism, we are told we should quit if we don't like it. Enough is enough.

In July 2016, Sims workers approached the Teamsters about problems we were having at Sims. The union helped us start an organizing committee. Soon, we were talking to our coworkers about forming a union. By the winter, the vast majority of us had signed union authorization cards. At this point, 70% of workers have signed union authorization cards.

In December, we informed Sims management that a majority of workers had signed cards and requested that Sims recognize our union and bargain a union contract. Sims refused.

Instead of respecting our wishes, Sims responded with threats and other unfair attempts to break our union.

We have gone to the National Labor Relations Board and offered sworn testimony about these unfair labor practices. We have filed charges saying that Sims:

- offered improved benefits if workers opposed the union
- threatened workers who supported the union
- denied a promised pay raise to a worker who supported the union
- gave more onerous work to a worker who supported the union
- sent a worker home without pay one day for supporting the union
- told workers that it would be futile to organize a union

It should not be acceptable for a company with a billion dollar contract with the City to treat its workers like this. Every day, we are working alongside City sanitation workers. Department of Sanitation officials are regularly in our plant. It would not be ok to treat a City worker like this and it's not ok to treat us like this.

We did not let Sims union-busting scare us. We kept fighting for our union.

We wore Teamster stickers on our helmets. We all signed a petition to management asking that our coworker Juan Pineda be returned to his mechanic position. Juan was demoted after he spoke in favor of the union. When they ignored our petition, we added a "Justice for Juan" sticker to our helmets.

We have repeatedly rallied outside of Sims, including two weeks ago with Council Member Menchaca.

We did all this because we want our union and a contract. We tried everything to show Sims that we are serious and won't back down until we get our union. But Sims has been stubborn.

We have only one option left, a strike. If Sims won't let us work union, then we won't work. I don't have to tell you that a strike will be hardest on us workers, but we will accept that hardship to get our union. Sims is not giving us an alternative.

Thank you very much for holding this hearing and listening to the workers. At Sims, it often feels like nobody's listening. Now the whole city is listening and we feel good having the community's support.

Thank you.

## **Testimony to City Council Sanitation Committee and Contracts Committee**

José V. Lopez, Employee of Sims Municipal Recycling and Teamsters Local 210 member

February 28, 2017

Good morning to the members of the Council and the people who accompany us. My name is Jose V. Lopez. I live in Brooklyn and come from Dominican Republic.

We are here to expose some of the abuses that Sims Metal Management commits against us. Only some, because if we start to list them all we would spend the whole day here.

Over a year ago we had a case that I will always remember. A mechanic named Gary Corniel used the jacket of another of his coworkers because his uniform was dirty and was fired for it. Not only was he fired by wearing that uniform belonging to another colleague but he was also accused of theft. We all supported him because he was a good teammate, an excellent worker, and we asked the managers please to reverse their decision and to give Gary an opportunity. We were totally denied. The end result was that Gary was thrown on the street, with a wife and two daughters and with the possibility of not getting a new job because Sims was might not give a good reference.

Another coworker, Marino Morel, suffered an accident with one of the machines we work with every day. By negligence of the company, it was not fit to be used but was put to use. Marino had an accident and broke one of the limbs, almost lost his genitals, and had several sutures. But the worst thing is that under those conditions they forced Marino to come from the Bronx to Brooklyn every day just to punch in a card, sit eight hours and punch out again and for several days. The result was that Marino had to be hospitalized again because his wound was infected.

Another case was the case of Jordy Lopez an employee who went to a manager and asked to go home because he felt bad, had no strength, and felt that he was going to faint. The manager said no, that if he left he was going to write him up. Two hours later, Jordy went out in an ambulance. His doctor diagnosed that he was not fit to work and sent him to the house for several days. Sims decide that if a person in case of emergency had to leave after starting to work they were going to deduct one day of his vacation or not pay him for the day no matter how many hours he worked.

We have always tried to collaborate with our company so that everything works in the best way, in the most civilized way, and in a way that suits us all. At the end of the road, we want to be recognized as a union, to let us have the Teamsters to represent us, to allow us to have a decent pension, to allow us to organize ourselves just like the workers at other Sims facilities.

We have nothing against Sims. We want Sims to be a thriving company. Because as they thrive, we also have the opportunity to thrive. We gave Sims every opportunity to be treat us

correctly, to treat us as we deserve, but the company refused. No one wants to go on strike but if that is the only alternative for us to recognize the union and get a contract, that is what we will do.

We definitely do not want to be quiet anymore. Thank you very much.

## **Testimony to City Council Sanitation Committee and Contracts Committee**

Josemar Luciano, Employee of Sims Municipal Recycling and Teamsters Local 210 member

February 28, 2017

Good day to all here present.

My name is Josemar Luciano. I work as a mechanic for Sims Metal Management and was born in the Dominican Republic.

As you have been able to hear from some of my colleagues who participated before me, our work is difficult and very risky.

Recycling workers sort what New Yorkers throw out. We are exposed to chemicals and other hazards that we can't even identify. We have even heard of workers working in these type of plants who get cancer and retire to their countries to die because they do not even have health insurance.

We like what we do and we do it well. We are proud that our plant is an environmental model for Sims.

That being so, why are we the only Sims facility that is not represented by a union? Since Sims Brooklyn opened, there were attempts to form our union on several occasions. Each time, the employers promised us, convinced us that they were going to treat us well, that they were going to attend and solve our problems. But each time it was just more of the same. Abuses, favoritism, unfair dismissals, and so on.

We gave Sims enough opportunities to attend to the needs of the workers and they did not do it. We have decided that the only alternative is to form our union, to organize with the Teamsters. We are united and every day we are more solid. We will keep united and we will become Teamsters. We want to be Teamsters and we want a contract.

I will end by saying what my colleagues have said, nobody wants to strike but we are willing to do whatever it takes to be recognized by the union and get a contract and if that is the only alternative, we will go on strike.

Thank you very much!

## **Testimony to City Council Sanitation Committee and Contracts Committee**

Juan Pineda, Employee of Sims Municipal Recycling and Teamsters Local 210 member  
February 28, 2017

Good morning, my name is Juan Pineda, I am Dominican and I live in Sunset Park.

I have worked for Sims for two years and I have been a proud supporter and organizer of the union.

For the last year, I was doing the mechanic's job. But after I filed charges at the labor board about the company's union busting, I was demoted to the position of "picker" laborer. The excuse was that they were only training me.

I am not the only one that they moved to other positions and did not pay the corresponding salary. I went from training to mechanic, but was never paid as a mechanic. I covered the mechanic's schedule and all mechanic's obligations but nevertheless because I supported the union I was demoted.

I have continued to support the union and the company has continued to push back. Last week I was not allowed to speak in a meeting. They practically shut me up.

And we need a union at Sims. We are forced to work under extreme conditions of both cold and heat. In the winter, there are times when you don't feel the tips of your fingers from so much cold. During the summer, there are times when you feel like you are going to faint from the intense heat.

To make use of the bathroom you must write your name on a list and wait for an assigned person to pass to relieve you (one person to relieve everyone). Imagine when you have a stomach problem, what do you do?

We work with garbage and are exposed to all kinds of bacteria, odors, even dead animals. A few months ago while we were working, a gas canister exploded and everyone was scared, we were in panic because it was difficult for us to breathe and nobody had any idea what was happening. Later we found out that it was a gas supposedly used by the police.

We work with glass, with metals, cardboard, all kinds of garbage and obviously there are all kinds of particles in the air and we are not provided with suitable masks to protect us. If within 5 or 10 years we are diagnosed with cancer or any disease caused by the elements to which we expose ourselves, who will be responsible, who will support my two children, who will help our parents that depend on us? There should be some type of analysis to the air that we breathe inside this plant.

On top of all this, we live in fear of being dismissed or reprimanded for simple things. The favoritism is something constant in Sims especially now that the company has done everything possible to divide the workers. But each effort to divide us only achieves more unity, growth and solidarity in our union.

If we ask the workers, the vast majority are proud of the work they do, despite the risks and hard work. We only want to be respected, paid fairly, and given what we deserve.

We are not afraid, we were not intimidated and finally we want to tell you that while nobody wants to go on strike, we are willing to go on strike and do anything that is necessary to form our union and get a contract. Thank you for the opportunity to allow us to express ourselves.

## **Testimony to City Council Sanitation Committee and Contracts Committee**

Kwabena Kyere, Employee of Sims Municipal Recycling and Teamsters Local 210 member

February 28, 2017

Good morning ladies and gentlemen,

My name is Kwabena Kyere, I come from Ghana and live in Brooklyn.

I have been working for Sims for about two years and even though I love my job, things can be a lot better.

In my two years at Sims, I have seen so many people come and go that it's hard to keep track. Good people that didn't deserve to be terminated. I believe we should get a much better medical plan without having to pay so much money. I also believe management should show more respect and value it's workers more.

Sometime back I had a surgery from a hernia due to all the tough work I did. I went on disability and after I was feeling better the company allowed me to go back to work. I worked for about two months, but they had me lifting heavy things and I was having pain and the company sent me home. I had clearance to go back to work from the doctors, but my bosses wanted me to do heavy work instead of letting me have easier assignments until I was one hundred percent recuperated like the doctors indicated. I pleaded, but they chose to send me home knowing my economic situation and my need to produce money to pay my bills.

It was so heartless to send me home. I have been productive and dedicated to this company, but they sent me home instead of giving me an easier assignment. After that, and everything I see Sims do to others, I decided these people saw me and everyone else as a number, not as human beings. I knew we had to make sure we were protected by a union.

Since then and seeing how they treat and talk to us, I definitely believe we need a strong union to represent us. There is no going back. We love that we do an important job for New York, but we need better treatment, we need better benefits and we need job security.

We are united and we have decided that although no one wants a strike, we are willing to strike and do anything necessary to get our union and a contract.

Thank you.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2-28-17

(PLEASE PRINT)  
Name: TOM Outerbridge

Address: 472 2nd Ave Brooklyn

I represent: Sims Municipal Recycling

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: ERIC GOLDSTEIN

Address: \_\_\_\_\_

I represent: Natural Resources Defense Council

Address: 40 W. 20 ST NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Jeffrey Gomez (Worker)

Address: 210 Troutman St

I represent: Sims Workers

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 2/28/17

(PLEASE PRINT)

Name: James Curbeam

Address: 55 Broad St, New York, NY

I represent: Teamsters Union

Address: 55 Broad St, New York, NY 10004

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 2/28/17

(PLEASE PRINT)

Name: Jose or Luciane Worker

Address: \_\_\_\_\_

I represent: Worker SIMMS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JUAN A PINEDA Worker

Address: 853-43 ST APT. 1

I represent: SIMS WORKERS

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 2/28/17

(PLEASE PRINT)

Name: Jose V. Lopez Worker

Address: 78 Thayer St.

I represent: 4B, N.Y. N.Y. → Sims Worker

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JOAN Lopez (Worker)

Address: 311 MILFED ST BK 11208

I represent: Sims Workers

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 2/28/17

(PLEASE PRINT)

Name: George Miranda

Address: 55 230 2019D ST. NYC.

I represent: Terminators Local 210

Address: 55 230 2019D ST. NYC

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 2/28/17

Name: JUSTIN WOOD (PLEASE PRINT)

Address: 151 W 30th St,

I represent: NYCP

Address: 151 W 30th St. 10001

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

Name: Priya Murgankar (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: NYC Environmental Justice

Address: Coalition

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Date: \_\_\_\_\_

Name: Brigid Flaherty (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: ALION

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: ROBERT ORLIN, DEPUTY COMMISSIONER

Address: FOR LEGAL AFFAIRS

I represent: DEPARTMENT OF SANITATION

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: COMMISSIONER KATHRYN GARCIA

Address: \_\_\_\_\_

I represent: DEPARTMENT OF SANITATION

Address: \_\_\_\_\_

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