



# sanitation

Kathryn Garcia Commissioner

## Testimony of Kathryn Garcia, Commissioner

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

Tuesday, January 31, 2017

1:00 P.M.

250 Broadway – 14<sup>th</sup> Floor

### **Intro No. 201 – A Local Law to amend the administrative code of the city of New York, in relation to the reuse or recycling of discarded carpeting from commercial units or buildings**

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Good afternoon Chair Reynoso and members of the Committee on Sanitation and Solid Waste Management. I am Kathryn Garcia, Commissioner for the Department of Sanitation. I am here with Bridget Anderson, Deputy Commissioner for the Bureau of Recycling and Sustainability. Thank you for this opportunity to discuss extended producer responsibility and to comment on the proposed management of discarded carpeting from large commercial building projects in New York City as contemplated by Intro 201. I have some opening remarks I'd like to share with you, after which I will be happy to answer your questions.

Each year New Yorkers generate more than 3 million tons of residential waste and recyclables and another 3 million tons of commercial waste and recyclables. While the Department of Sanitation is primarily focused on the collection and disposal of residential waste, we are also eager to address plans and policies that help reduce waste in the commercial waste system.

The Administration's comprehensive sustainability plan, *One New York: The Plan for a Strong and Just City*, lays out our ambitious goal of sending zero waste to landfills by 2030. To achieve this, the Department seeks to promote and support a system of sustainable solid waste management that builds on our sweeping environmental initiatives to reduce the amount of waste we dispose of and maximize recycling. Extended Producer Responsibility ("EPR") is a critical component of achieving our zero waste goals. The concept of extended producer responsibility makes manufacturers responsible for the disposal of their products at end of useful life. EPR programs encourage manufacturers to design and produce products to be more durable, more easily repairable, and more easily recycled. Placing the responsibility for end-of-life management on the manufacturer ensures that they are incentivized to design and manufacture sustainable products.

Many items are now disposed of under Extended Producer Responsibility laws in the State of New York. These laws cover electronic waste, such as computers and televisions, rechargeable batteries, and mercury thermostats. New York City, which saw its own electronic waste law preempted by New York State, has learned much about Extended Producer

Responsibility laws from its experience with e-waste. The program has been successful in that much electronic waste has been diverted from landfills; however, a large portion of the collection burden, as you know, still falls on New York City. The most important component of a successful EPR program is ensuring that the entire responsibility for managing a product at the end of its life cycle – from collection to disposal – falls upon the manufacturer of that product.

Many other products are ripe for stewardship programs, in particular paint and carpet. Carpet is a product well suited to a product stewardship system due to a number of factors, including the difficulty of managing this bulky product within the traditional municipal solid waste infrastructure, the opportunity to recycle post-consumer carpet into a variety of value-added applications where local and regional markets exist, and the development of carpet recycling technologies.

Though carpet is only a small fraction of the Department-managed waste stream, according to the United State Environmental Protection Agency, over four billion pounds of carpet enter the solid waste stream in the United States every year and accounts for more than one percent by weight and about two percent by volume of all municipal solid waste. Despite voluntary industry recycling programs established by the carpet manufacturing industry, only about 7.5 percent of the carpet discarded annually is recycled, according to the Product Stewardship Institute. Recycling carpet can significantly reduce greenhouse gas emissions and decrease energy use, but much of this bulky, cumbersome material ends up in landfills and imposes significant costs on local governments for its management.

The Department is generally supportive of Extended Producer Responsibility programs. We have supported legislation at the state level creating a carpet stewardship program for several years. As we noted, the most important component of EPR legislation is ensuring that the responsibility for handling the material is placed squarely on the manufacturer. As written, Intro 201 does not create a traditional EPR program for carpet because the responsible party for disposal can be any one of a number of parties associated with the project, with no requirement that a manufacturer accept such discarded carpet. In addition, the bill solely addresses discarded carpeting being removed from every large construction, demolition and alteration project exceeding 10,000 square feet in commercial buildings across the City, but it does not address removal of carpet waste from the Department-managed residential waste stream or smaller commercial projects. Lastly, the bill requires responsible parties to comply with certification requirements that will create a new administrative burden on the Department that traditionally should be alleviated by EPR programs.

We look forward to working with the Council to rethink the way commercial waste is managed in this City and to create stewardship programs for hard-to-dispose of items in both the commercial and residential waste streams. We also seek to better understand the issues associated with managing carpeting at the end of its lifecycle and its potential to be recycled. Therefore, we are eager to hear from the industry and other interested parties on this issue, and look forward to further engaging with the Council in a productive and valuable dialogue to develop a reasonable and common sense solution to end-of-life management for carpets in New York City.

Thank you again for inviting the Department to share our thoughts with you this afternoon, and I'll now gladly answer any questions you may have.

The NYC Chapter of the National Waste and Recycling Association (NWRA) supports Intro. No. 201 in theory but not as currently drafted and not without significant refinement. We believe in re-use and recycling before disposal; and, we have been and will remain good partners with state and city officials in diverting a wide array of discards from disposal -- and into re-use and recycling loops.

This legislation will essentially create a disposal ban for carpeting in NYC. Instead of disposal, this measure seeks to mandate "re-use and recycling" of carpeting at its end of useful life. Our historical mantra in response to these kinds of proposals has been to say "no ban without a plan". We see no reason not to maintain this position in this circumstance.

Currently our members -- both carters and facility operators -- work with the businesses and project managers that generate carpeting and other waste materials from demolition, remodeling and new construction projects in the city. In that process all seek to maximize diversion and to minimize disposal.

The key here about what is diverted and what is disposed depends on many factors. The one factor that is most appropriate to focus on here is whether or not "markets" exist for any after useful life material to be diverted from disposal. Without robust, redundant and competitive markets, no one can close the recycling loop for any after useful life material and divert it from disposal. This applies -- directly on point -- to any new disposal ban on carpeting for NYC. Accordingly, we believe such a carpeting disposal ban should not be enacted until the city makes a finding that adequate markets exist to manage the volumes of after useful life carpeting to be banned from disposal. Historically the DSNY has been asked to make such determinations.

To be helpful, we will offer the thought here that before any carpeting disposal ban legislation for NYC is further considered, that a thorough study be done to determine and find out if adequate markets exist to handle the volumes of after useful life carpeting that will need to be managed if such a carpeting disposal ban is put in place.

Such a study should appropriately include an examination of current citywide building and demolition trade practices to find out, among other things: 1) how after useful life carpet is currently managed; and 2) what are the likely impacts of any such new disposal ban on the city; and 3) what are the likely impacts on our customers – those entities that generate such carpeting and that will have to produce an after useful life carpeting supply that will be suitable to be used and absorbed by the markets identified to absorb such materials; and, 4) how any after useful life carpeting -- that cannot be re-used or recycled -- will be managed if banned from disposal by the city.

One of our biggest challenges -- as carters -- with a new mandate like this carpeting disposal ban, along with others like the city's new commercial recycling and organics programs, is how we can provide these additional services while keeping the trucking impacts associated with them to a minimum. Accordingly, we believe that a carpeting disposal ban study must also assess the trucking impacts of the additional dedicated trucks that will be on the city's roads, and in the city's neighborhoods, due to the adoption of a disposal ban on carpeting.

The NYC chapter of NWRA will gladly participate in any study set-up to focus on carpeting recycling, ostensibly with an array of other responsible and interested stakeholders and parties, per the authority of the city and presumably under the direction of the DSNY.

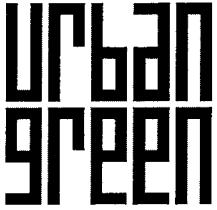
Thanks for the opportunity to offer these remarks.

**Testimony  
for the  
New York City Council  
Committee on Sanitation and Solid Waste  
Chairman: Hon. Antonio Reynoso  
on  
Intro. No. 201  
A Measure To Create A Local Law  
for the Re-use and Recycling of Carpeting  
from Commercial Units and Businesses**

**Tuesday, January 31, 2017  
1:00 p.m.  
14<sup>th</sup> Floor Committee Room  
250 Broadway  
New York, NY**

**Submitted by  
Steven G. Changaris  
Manager  
New York City Chapter  
National Waste and Recycling Association  
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[www.wasterecycling.org](http://www.wasterecycling.org)**

*The NYC chapter of the National Waste and Recycling Association represents the private taxpaying waste and recycling haulers and companies that work in NYC every day to responsibly manage the after useful life discards, materials, recyclables and wastes generated by its citizens, institutions and businesses. We believe in strong, sustainable environmentally responsible programs that are run with the efficiency and expertise that comes from a competitive and robust private marketplace that provides and innovates services routinely.*



**Testimony of Laurie Kerr, FAIA, LEED AP  
Director of Policy, Urban Green Council  
Before the New York City Council  
Committee on Sanitation and Solid Waste Management**

**Re: Int. No. 201, Recycling Commercial Carpeting**

January 31, 2017

Good afternoon Chair Reynoso and members of the Committee. I am Laurie Kerr, an architect and the Director of Policy for Urban Green Council, which works to transform New York City's buildings for a sustainable future.

In 2009, the NYC Green Codes Task Force, which was managed by Urban Green, recommended that carpet be recycled. Consequently, we are delighted to see this bill revived and we applaud its aim. Carpeting represents a large part of the city's waste stream because commercial carpets are replaced every six to nine years. Most carpet is highly recyclable, generally into new carpet, but this isn't happening because it's not currently required and also because waste from New York's tight construction sites tends to be commingled such that carpeting becomes too contaminated to recycle. To comply with this law, carpeting would need to be removed at the beginning of demolition or renovation – a modest change in process which should pay for itself as the industry becomes used to the practice and because of reduced tipping fees.

While we feel this bill represents a great step in the right direction, we would like to highlight four aspects for potential improvement:

1. The program may be difficult to administer and enforce because the definition of "Responsible Party" encompasses many different actors and provides no clear method for determining the individual accountable. Designating the building owner as the single responsible party and adding a parallel amendment to the NYC Building Code would provide a more practical locus for administration and enforcement.

2. The requirements may miss critical projects. The bill targets only projects in a single commercial building or unit, neglecting common-area carpet replacements in large multifamily buildings, as well as projects that span multiple buildings but add up to more than the 10,000 square foot threshold. By contrast, targeting any project over the square footage threshold, regardless of building type and number of buildings or units, could provide a clear rule to catch all relevant projects.
3. Recycling carpet will become easier and cheaper as industry adapts to the new requirements. It may make sense, then, to include a step down to a smaller project threshold of 5,000 square feet after an appropriate time period (e.g. two or three years).
4. Since carpet is not a defined term in the bill, it is unclear what aspects of carpeting must be recycled. Adding a definition that specifies such aspects as broadloom, backing, and carpet tile – all of which are recyclable – would resolve this ambiguity.

We propose that an industry group work with City Council to hammer out these issues. A group that has been convened by the New York Chapter of the American Institute of Architects to look at construction and demolition waste in general might be the perfect venue for this. We would be delighted to work with them or any other convening entity to help refine this bill. We also generally support the concept of Extended Producer Responsibility, whereby manufacturers are held responsible for the costs of managing products at end of life, and we recommend that the Committee consider how that framework could work for carpet recycling – perhaps incorporating it into an amended version of this bill.

Thank you for the opportunity to comment before this committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laurie Kerr', with a long horizontal flourish extending to the right.

Laurie Kerr, FAIA, LEED AP



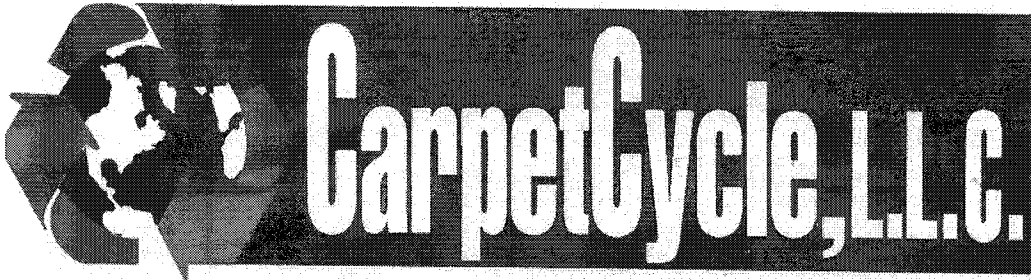


CarpetCycle LLC has been collecting post-consumer carpets (PCC) for recycling purposes since 1999. From Philadelphia to Boston, our collections have averaged over 400 tons on a monthly basis for 18 years. CarpetCycle has been awarded "#1 collector" of carpet tiles and acoustic ceiling tiles for several years in a row. I have also been recognized as a Carpet America Recovery Effort (CARE) Recycler of the Year and Person of the Year in the past.

Carpets are not all created equally. Broadloom or 'wall to wall' carpet typically consist of a polymer face 'yarn', tufted through a polypropylene sheet, with latex adhesive and calcium carbonate binding the plastic 'sandwich' together. While each component is recyclable in its virgin form, extracting the same from this intimate mixture in spent carpet is very challenging, both technically and economically. Whether through mechanical or chemical 'recycling' processes, the economics of broadloom carpet recycling are difficult. Furthermore, broadloom carpet in built commercial environments is typically glued down on concrete floors, further complicating recycling this product. Recycling markets for broadloom carpets are minimal and have been shrinking for the past few years. The principle outlet for spent broadloom has been shredding the carpets for use as alternative fuels in cement kilns in Pennsylvania (displaces coal use). There is an expense to use this outlet when you cannot sell the recovered polymer face fiber.

Carpet tiles or 'squares' have generally been designed for recycling. Manufacturer's of carpet tiles take them back for recycling purposes in 'closed loop' fashion. NYC commercial office interiors are now estimated to be ~70% carpet tiles. We 'package' spent carpet tiles on wooden pallets for removal from commercial buildings and the trip back to the manufacturer for recycling. Same with acoustic Ceiling Tiles (ACT). We stack on skids return to Armstrong Ceilings in Marietta PA for recycling. Both products need to be removed in relatively 'clean' fashion, rather than compacted together with all construction and demolition debris resulting from interior renovations. *Expansion of carpet tile and ceiling tile reclamation would definitely help to reduce the millions of tons of C&D waste generated in NYC that ends up in landfills annually.*

Procurement of recycled content products made from recycled carpet components will help recycling succeed. PVC backed carpet tiles have significant recycled content. Synthetic carpet fiber [padding] underlayment is typically made from recycled carpet fibers. Last year CarpetCycle introduced Quiet-Tech Acoustic Insulation for commercial and residential interiors...made of 90% recycled post-consumer carpet and cotton fibers from used clothing. Quiet-Tech has a Class A fire rating and earned GreenGuard Gold status for ultra low emissions. (sample



provided). Quiet-Tech is healthy to touch and breathe as opposed to fiberglass products. We installed this product in several commercial buildings in the past 6 months. Wider adoption of Quiet-Tech will enable greater collection and recycling of broadloom carpets from the NYC area, as well as create and maintain 'green jobs'. This is a prime example of the "Circular Economy" in action. Further widespread adoption of recycled content products described above will help increase carpet recycling. CARE has a catalog of such products on its website, [www.carpetrecovery.org](http://www.carpetrecovery.org)

Thanks for your time and consideration.

Sincerely,  
Sean Ragiel  
Founder  
\*Since 1999\*



January 31, 2017

Hon. Antonio Reynoso, Chair  
Committee on Sanitation and Solid Waste Management  
City Hall, Committee Room  
New York, NY 10007

Re: Intro 201-2014

Dear Chair Reynoso,

The American Institute of Architects New York (AIANY) represents over 5,500 registered architects and associated design and construction professionals. AIANY leads, inspires, and educates our members on design and sustainability. We organize engaging programs that focus on exemplary green buildings, current technologies and product research, and sustainable design and construction practices by leading architects. Our efforts are based on the belief that sustainability should be an essential part of the design process and be fully integrated with all aspects of a building, including function, form, site, structure, systems, and construction.

AIANY is partaking in a sustained effort to promote initiatives that reduce waste in the built environment and create healthy spaces for New Yorkers to live and work. In order to achieve the City's zero waste goal, AIANY supports Intro 201 in its effort to require recycling of discarded carpet from commercial buildings, which would help reduce landfill and carbon emissions from waste transport. While Intro 201 represents a step in the right direction, we believe the bill needs fine-tuning in order to be more enforceable and to ensure that it is capturing the right projects. In particular:

- The carpet recycling requirements may need to live in both the sanitation section and the building code section of the Administrative Code, and have a clearly designated responsible party, in order to be fully enforceable.
- While the bill only targets commercial properties, it seems likely that carpet used in the common areas of multi-family properties could be recycled as well.
- It may be more effective to include in the size limits for projects captured, and to step down from 10,000 to 5,000 square feet as the recycling industry matures.
- The bill needs more specificity in terms of which aspects of carpeting need to be recycled.

The AIANY and our members are available to work with relevant stakeholders to address these and other issues to move this effort forward, including through a working group we have convened to address construction and demolition waste in the city. We also generally support the concept of Extended Producer Responsibility, which seeks to hold manufacturers accountable for managing end-of-life product costs, and we recommend that the Committee consider in future how that concept could work for carpet recycling. We are excited that NYC is taking the lead on these efforts and thinking holistically about our next steps.

*Submitted on behalf of AIANY.*

Benjamin Prosky  
Executive Director

**The American Institute of Architects**

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TESTIMONY OF  
CARPET AND RUG INSTITUTE  
*SUBMITTED TO*  
**NEW YORK CITY COUNCIL**  
IN OPPOSITION TO INT. NO. 201

"A Local Law to amend the administrative code of the city of New York, in relation to the reuse or recycling of discarded carpeting from commercial units or buildings."

JANUARY 31, 2016

[www.carpet-rug.org](http://www.carpet-rug.org)

Members of the City Council, the Carpet and Rug Institute (CRI) appreciates the opportunity to come before you and express our concerns about Int. No. 201. CRI is the not-for-profit trade association that represents carpet manufacturers who produce over 90% of the carpet produced in the United States.

The Carpet Industry has been a leader in forging product sustainability, first with its Green Label Plus program, as well as its work with the American National Standards Institute in the development of a Sustainable Carpet Assessment Standard (ANSI) referred to as NSF-140. More relevant to today's discussion is CRI's participation in the formation of the Carpet America Recovery Effort (CARE). CARE is a separate voluntary, non-for-profit organization dedicated to increasing the landfill diversion, reuse and recycling of waste carpet, through market-based solutions that benefit the economy as well as the environment. Reduction in the amount of carpet going to landfills each year is already happening. Since 2002 more than 4.5 billion pounds of used carpet has been diverted from landfills. CARE's members include independent carpet recyclers, carpet manufacturers, dealers, retailers and suppliers and non-governmental organizations. CARE's members are committed to finding solutions to recycling and reuse of post-consumer carpet.

The Carpet and Rug Institute and its members have not only worked diligently to ensure that their products are completely safe to the consumer, but they have taken great effort towards producing more sustainable products. The CRI Green Label Program was the first product certification program recognized by the US Green Building Council. CRI, as an ANSI accredited Product Certification Body, certifies carpet products and is the first to be accredited by ANSI to certify Green Products.

CRI commends the bill sponsors for their keen interest in improving the environmental profile of products and feels CRI and its members have a long history of doing just that. While we commend these efforts, we feel there are some major fundamental concerns with the focus of Int. No. 201 in establishing a mandatory collection and recycling program, and it will create a large bureaucratic burden for NYC.

### **Carpet is Not a Hazardous Product and Does Not Require Special Handling**

Carpet is a safe and healthy product in the home, office, or school. It is designed to add comfort and warmth for the consumer as a soft floor covering. Even more importantly, it is safe, durable, and has been tested to ensure it is by far the safest product it can be. Quite frankly, carpet is such a non-issue from a product performance and safety standpoint we are not aware of any federal or

state requirements covering its sale or use. As such, carpet, because of its long track record toward improvements in sustainability, does not now or will it warrant the type of mandatory collection and recycling program envisioned by Int. No. 201.

We will be the first to admit that carpet is not the easiest product to deal with in a landfill. It doesn't biodegrade or compress well. It is for that very reason we formed CARE to address these issues. This type of legislation would be a step backward from a voluntary proactive industry program, and the measures it establishes won't improve the process of recycling carpet - it will only make it more expensive to industry and the state and may, in fact, lead to alternatives such as incineration to meet some arbitrary goals.

### **Int. No. 201 Will Not Result in Efficient Environmental Improvement**

Recycling carpet is difficult. The industry and others have been working decades to find solutions. Progress is being made, but we're not there yet. Most fiber types have limited economically viable markets. Some types of recycled carpet fiber have NO economically viable markets. Additionally, macroeconomics must be taken into consideration. Low petrochemical prices and other material costs create barriers to use of products from recycled carpet. In this economic climate, virgin materials can actually be more affordable than post-consumer-content. The cost to recycle all types of carpet, including face fiber and backing, would be extremely expensive and cost prohibitive. In fact, due to the issues referenced above, there are few (and becoming fewer) recyclers in the NYC area who will handle all types of carpet.

Manufacturers are already constantly working to find ways to produce more environmentally-preferable products, and using the most recyclable and environmentally-friendly components and packaging available and feasible. This activity on the part of producers is not only in the best interests of the environment; but it is also necessary to be cost-effective with limited resources and responsive to consumer demands. The absence of a mandate to collect products at the end of their life-cycles is not hindering efforts to reduce waste. In fact, a study from Rockefeller University and the University of Texas concluded that, "assessment of consumption per unit of economic activity shows a dematerialization in physical materials of about one-third since 1970."<sup>1</sup> This means that companies are using fewer resources and creating products that use one-third less materials than previous products. However, mandates to collect and recycle products have not increased this activity within companies and can, in fact, hinder these efforts.

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<sup>1</sup> I. Wernick et al., "Materialization and Dematerialization: Measures and Trends," in *Technology and the Environment* (Washington, D.C.: National Academy of Sciences, 1997), available at: [phe.rockefeller.edu/Daedalus/Demat/](http://phe.rockefeller.edu/Daedalus/Demat/)

Mandates for collection and recycling can also actually harm the environment in unforeseen ways. These programs can force companies to switch *from* materials that might be more energy-efficient to produce, lighter to transport, and safer (such as plastic) *to* heavier materials that are more recyclable, but require more energy to produce and use and could pose greater safety concerns. Market processes encourage innovation in the use of limited resources throughout a product's life-cycle; while these types of programs override this natural research and development process, and only drive manufacturers toward different materials.

### **Costs Associated with Int. No. 201**

*Costs to the City:* The costs of the program envisioned by Int. No. 201 would be cost-prohibitive to both product manufacturers and the City. In fact, the focus on the commercial sector could seriously impact the costs of projects within the City (including hotels and tourist attractions) thus causing developers to hesitate or even reconsider projects resulting in a severe economic impact.

*Costs to Consumers:* The proposed funding for this program is through product fees or taxes, which would be levied on companies that are attempting to comply, in addition to the costs of developing collection and recycling programs. Consumers would see this increased cost on a daily basis as firms would be forced to shift some costs onto consumers to account for this burdensome mandate. These programs also cost the consumer to collect and transport them to a collection location. In the case of carpet this is not an easy process for the consumer.

*Cost Benefit Analysis:* In these times of extreme fiscal pressures, Int. No. 201 puts a burden onto contractors, subcontractors, retailers and installers which could effectively put them out of business. City resources would be drained to administer the program. It would seem only prudent to include a requirement for a study to address the above mentioned concerns. Int. No. 201 currently has no such requirement. There must be an analysis component to prioritize limited resources and prevent fiscally irresponsible mandates. This legislation would likely put a halt to many, if not most, major building refurbishments in the New York City metropolitan area.

### **Conclusion**

Int. No. 201 would create an immense regulatory infrastructure of onerous requirements without appropriate oversight. Mandatory collection and recycling as proposed by this ordinance would result in extensive requirements and would not achieve the benefits that would make it worth the costs. Rather, Int. No. 201 proposes a heavy-handed mandate that would burden contractors, subcontractors, retailers and installers.

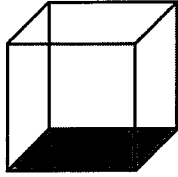
In contrast to the burdensome mandate currently included in Int. No. 201, CRI supports continued efforts to engage in voluntary efforts to find cost-effective solutions. We feel a much more prudent and effective approach would be to use the power of Government to drive the use of recycled products. Why not encourage the City find products containing post-consumer content and mandate the purchase of such products? This approach would drive the market to develop products that meet these requirements, thus reducing the materials going to landfills. From the Carpet Industry perspective, that would include such products as: fiber pad underlay made from nearly 100% post-consumer carpet content, sediment-control products made from post-consumer carpet, highway sound barriers made from post-consumer carpet, and post-consumer plastics in a myriad of products. This is a proactive positive approach that will do much more to incentivize recycling than a collection and recycling mandate.

On behalf of the members of the Carpet and Rug Institute, we thank you for your consideration of these concerns. If you or the Council have any questions with regard to our concerns on this legislation, please do not hesitate to contact Jennifer Stowe, Vice President Government Relations [jstowe@carpet-rug.org](mailto:jstowe@carpet-rug.org), or 703-875-0634.

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**Consolidated  
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*Productivity & Quality:  
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TESTIMONY OF

DAVID T. MEBERG

*SUBMITTED TO*

**NEW YORK CITY COUNCIL  
COMMITTEE ON SOLID WASTE AND SANITATION MANAGEMENT  
IN OPPOSITION TO INT. NO. 201**

"A Local Law to amend the administrative code of the city of New York, in relation to the reuse or recycling of discarded carpeting from commercial units or buildings."

JANUARY 31, 2017

[www.consolidatedcarpet.com](http://www.consolidatedcarpet.com)

Members of the City Council, my name is David Meberg, I am President and CEO of Consolidated Carpet, and President of The Greater NY Floor Coverers Association, and I appreciate the time to speak before you today regarding concerns we collectively share about Int. No. 201.

Consolidated Carpet, is a third generation, family owned, floor covering contractor that has serviced the five boroughs of NY City for over seventy three years. We employ 165 Associates and service the commercial marketplace, from hotels and hospitals, to commercial tenants in the legal, banking, marketing and technology industries. Throughout the course of our history we have been privileged to work on some of the most prominent and notable New York City real estate development and refurbishment projects inside some of the most notable pieces of real estate in the city...from Madison Square Garden to Radio City Music Hall to the United Nations.

The Greater NY Floor Coverers Association is a Trade Association whose members are the largest commercial and unionized floor covering contractors in the market place. We have approximately 20 members, and the main purpose of our existence is to negotiate Collective Bargaining Agreements with the NY District Council of Carpenters. The Carpenters Union claims trade jurisdiction over floor covering removals and installations. Our 20 members employ over 500 unionized carpenters, at least another 500 support staff, and we comprise over 75% of the unionized man hours worked in the floor covering trade.

My testimony here today will be about my first hand experiences with Consolidated Carpet, but members of my Trade Association have similar experiences and share my personal concerns over this bill. Collectively, we oppose the bill because the requirements contained within have the potential to dramatically increase costs, which when passed on to our customers, could deter them from choosing to replace their existing floor coverings, and ultimately have a negative economic impact on our businesses. While our entire industry is sensitive to the environmental concerns this bill addresses, we have, and will continue to, work diligently to find practical and sustainable solutions to the issues surrounding the disposal of old, used, carpet products.

The carpet industry has been on the forefront of developing products for a healthy and sustainable indoor environment for over thirty years. When I entered the business in the mid-eighties the industry was examining itself and the raw material components of its products, to ensure healthy indoor air quality as commercial building environments started being more encapsulated.

The days of opening windows for fresh air were going away, and indoor air flow was becoming fully self-contained. This inward focus continued as the concepts of recycling, and office sustainability

developed. I recall in the late eighties and early nineties housing trailers at our warehouses in Brooklyn, provided us by DuPont, then a prominent carpet fiber manufacturer. We would load those trailers with old and used carpet materials and ship them off so R&D teams could study the deconstruction process for carpet, and find alternative uses for its raw materials.

As time went on recycling of carpet became a cottage industry. Two recyclers for some time have serviced the NYC marketplace, one located on Long Island, and one in Newark, New Jersey. However, deconstructing carpet is not an easy process, and as new carpet products have developed that utilize better, cheaper, and more ecologically sound fiber and backing systems, the downstream demand for the raw material components of old carpet have dried up. Two years ago, the carpet recycler on Long Island, closed up. The recycler in New Jersey, Carpet Cycle has remained our "go to" recycler, however just two months ago, the principal owner of Carpet Cycle informed me they would no longer be able to collect and recycle broadloom products. Broadloom product is carpet that is produced in rolls. Alternatively, carpet produced as tiles (carpet tiles) are still accepted by Carpet Cycle. Over the past years, the commercial market place has seen a sharp increase in market share for carpet tiles. Conversely, the broadloom market share is sinking, but is still prominently used in hotels, theatres, and office environments trying to project a more upscale, or residential flair. Most of today's carpet tile products are made with recycling in mind - many manufactured with the deconstruction and re-utilization processes already contemplated. They remain easily recyclable. However, we must find cost effective solutions to efficiently dispose of broadloom products that still exist in the market place. Simply stated, as newer, more environmentally engineered products continue to enter the market and gain market share, recycling issues in years to come become less burdensome on our landfills, and less costly. The market is reacting.

The carpet industry, as I have stated, and as The Carpet and Rug Institute has demonstrated, has a long history of voluntary participation and solution finding when it comes to the development, usage, and end of life cycle for its products. Most, if not all carpet manufacturers today still have stated and published goals of lessening and even eliminating entirely their environmental footprint on this earth.

As a lifelong New Yorker, I appreciate The City Council's concern for our environment and the interest and time you have shown by this hearing today. My hope is that my testimony has shown you a cohesive industry that works proactively towards problem solving and working together to

ensure a healthy and sustainable environment. My fear is that through legislation, our industry will be forced to quickly adapt to mandates that will dramatically raise costs, perhaps stifle proposed renovation projects, and possibly cost people jobs. It is for these reasons we oppose this ordinance.

## MEMORANDUM OF ANALYSIS

**BILL:** Intro No. 201  
**SUBJECT:** Requiring Reuse or Recycling of Discarded Carpeting in Commercial Buildings or Units  
**DATE:** January 31, 2016  
**SPONSORS:** Koo; Gibson; Rosenthal; Richards; Constantinides; Johnson; Rodriguez; Lancman; Van Bramer; Vacca; Koslowitz; Torres; Gentile; Espinal, Jr.; Cohen; Kallos; Vallone; Levin; Crowley; Menchaca; Williams; Rose; Levine; Reynoso; Chin; Eugene; Garodnick; Dromm; Ferreras-Copeland; Cabrera; Greenfield; Maisel; Lander; Treyger; Cornegy, Jr.; Salamanca, Jr.; Barron; Ulrich

The Real Estate Board of New York (REBNY) represents over 17,000 property owners, developers, managers, brokers, and other real estate professionals in New York City. We commend and generally support this bill's intent to reduce the amount of carpeting that is entering our landfills, with exceptions as noted below.

This legislation proposes to ban the disposal of carpeting from commercial units or buildings as solid waste by mandating recycling or reuse. This bill would also impose steep fines upon building owners, developers and haulers to enforce the ban.

While REBNY supports the Council's sustainability efforts, we believe this legislation overlooks significant barriers to implementation that may ultimately hinder diversion efforts. For example, this bill would require haulers to ensure that carpeting is kept separate from all other solid waste. This could pose additional financial burdens for smaller haulers that may not have access to a separate facility to store recycled carpeting. In addition, the large volume of carpeting this bill would introduce to a small pool of infrastructure-ready haulers might mean higher collection fees for building owners who could pass on additional costs to tenants.

Additionally, the bill's lack of specificity detailing the different types of carpeting that can be recycled may be another cost-prohibitive barrier for haulers. Depending on the type and material, carpeting may or may not be broken down to a marketable product. For instance, carpet tiles are more easily recycled but broadloom carpeting can be very difficult to recycle, and has little to no post-consumer value.<sup>i</sup> This bill should specify which types of carpet should be recycled, preferably, carpet that could have post-recycling value.

Lastly, this legislation should also include clearer language detailing the extent to which carpeting should be broken down as well as language addressing the disposal of carpeting materials when they cannot be broken down further. The current lack of clarity may unfairly subject haulers to fines of up to \$20,000 per violation for improper disposal. Such a steep fine is likely to impact collection and transportation fees for owners, developers and tenants.

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<sup>i</sup> *Recycling 101*. Carpet Cycle: Helping to Preserve the Environment for Future Generations. Web. January 30, 2017.  
<<http://www.carpetcycle.com/recycling-101/>>

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 201 Res. No. 2014

in favor  in opposition

Date: 1/31/17

(PLEASE PRINT)

Name: DAVID MEBORG

Address: 45 West 25th St

I represent: Consolidated Carpet / Greeter NY

Address: 45 W 25th St NY NY

**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: 1/31/17

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Name: LAURIE KEPP

Address: 55 Broad St - 9th FL, NY, NY

I represent: Urban Green Council

Address: →

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

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

(PLEASE PRINT)

Name: Jennifer Stowe / Arthur Goldstein

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

I represent: The Carpet and Rug Institute

Address: 3033 Wilson Blvd / #700

Arlington VA 22201

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

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THE CITY OF NEW YORK**

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in favor  in opposition

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

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Name: Justin Pascone

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

I represent: American Institute of Architects

Address: 536 La Guardia, NY NY 10033

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THE CITY OF NEW YORK**

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in favor  in opposition

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

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Name: KATHRYN GARCIA

Address: COMMISSIONER

I represent: NYC DEPT OF SANITATION

Address: W/ BRIDGET ANDERSON, DEPUTY COMMISSIONER

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in favor  in opposition

Date: 1-31-17

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Name: MARGOT BECKER

Address: 689 COLUMBUS AVE, NYC 10025

I represent: MANHATTAN SOLID WASTE ADVISORY BOARD

Address: 1 BRYANT PARK NYC

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in favor  in opposition

Date: 1/31/17

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Name: JUSTIN GREEN

Address: 205 Clinton Ave #8C

I represent: BIG REUSE

Address: ~~205 Clinton Ave~~ 69 9th Street

Brooklyn, NY 11215

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in favor  in opposition

Support in theory with studies & refinements

Date: 1-31-17

(PLEASE PRINT)

Name: CHANGARIS, STEVE

Address: 482 Southbridge St. Ste #373

I represent: Amherst, MA 01501

Address: NWAA NYC chapter

Same address as above

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in favor  in opposition

Date: 1/30/17

(PLEASE PRINT)

Name: Robert Phillips

Address: 30 6<sup>th</sup> Street Harrison NJ

I represent: Carpet Cycle

Address: 16 Herbert St Newark NJ

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 1/30/17

(PLEASE PRINT)

Name: Carl Trezza

Address: 1541 West 12<sup>th</sup> Brooklyn NY 11204

I represent: Carpet Cycle LLC

Address: 16 Herbert Street, Newark, NJ

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