



sanitation

Steven Costas Acting Commissioner

Testimony of Steven Costas, Acting Commissioner New York City Department of Sanitation

Hearing on the FY 2020 Preliminary Budget and FY 2019 Preliminary Mayor's Management Report

New York City Council Committee on Sanitation and Solid Waste Management

Friday, March 8, 2019
2:00 P.M.
City Hall, Council Chambers

Good afternoon Chairman Reynoso and members of the City Council Committee on Sanitation & Solid Waste Management. I am Steven Costas, Acting Commissioner of the New York City Department of Sanitation. Thank you for the opportunity to discuss the Department's portion of the Mayor's Fiscal Year 2020 Preliminary Budget, the FY 2019 Preliminary Mayor's Management Report, and our current programs and operations. With me this afternoon are Larry Cipollina, Deputy Commissioner for Administration and Financial Management, Bridget Anderson, Deputy Commissioner for Recycling and Sustainability, and Gregory Anderson, Chief of Staff.

Preliminary FY 2020 Budget

As proposed, the FY 2020 Preliminary Budget allocates \$1.77 billion in expense funds to the Department, of which \$1.04 billion is for Personal Services and \$736 million is for Other Than Personal Services. Our FY 2020 budgeted headcount is 10,029, including 7,721 full-time uniform and 2,308 full-time civilian positions. In addition, the Department's proposed FY 2020 capital budget is approximately \$565 million. Of this amount, \$367 million is allocated to facility construction and rehabilitation, \$9.7 million for information technology projects, and \$188 million to replace equipment and vehicles.

The funding resources under the proposed FY 2020 budget will ensure that the Department can continue to keep New York City healthy, safe and clean. However, as the Mayor stated in his budget announcement, we are facing new realities and tough choices. New York City's finances face strong headwinds and economic uncertainty.

Cleaning Services

Clean streets and public spaces contribute to a better quality of life that New Yorkers expect and deserve. The proposed FY 2020 budget continues funding for the Mayor's CleaNYC initiative, including expanded Sunday and holiday litter basket collection service, highway ramp cleaning, and targeted cleaning and enforcement efforts in high need areas. In addition, in FY 2019 City Council districts across the city have benefited from supplemental litter basket

collection service funded in partnership with the City Council at budget adoption last year. On behalf of the Department, I thank you all for your ongoing advocacy for cleaning resources and litter basket collection service.

As a result of these investments, the Department continues to maintain near record-high scorecard cleanliness ratings across the City. Through February, the Department has achieved a citywide average scorecard rating of 95.7 percent of streets rated acceptably clean, up from 94.7 percent the year prior.

In addition, the Department last year announced BetterBin, an international design competition to reimagine New York City's standard litter basket. Today, the Department has more than 23,000 litter baskets on the City's streets, most of which are plain, green wire baskets. In partnership with the Van Alen Institute, the Industrial Designers Society of America, and the American Institute of Architects New York, we have narrowed the pool down to three finalists. We are working with the finalists to refine their designs and produce prototypes for testing on New York City streets this summer. We look forward to working with the Council and the public to garner feedback and select the winning design to be the next generation corner litter basket.

Snow Removal

Snow-fighting is also a core component of the Department's mission, ensuring safe travel for first responders, residents and commuters. The FY 2020 preliminary snow budget is \$111.8 million. Our current modified snow budget for FY 2019 is \$99.5 million. So far, the Department has experienced a winter season that has yielded lower overall snow accumulations to date than the past few seasons. We have repeatedly had forecasted snow events that produced less snowfall than predicted, or have changed to rain. As a result, we have activated for 18 events to date this season for a total of 21 inches of snow.

Following last November's snowstorm and the cascading traffic impacts that resulted, we have already begun to implement changes to our winter storm preparations and response. For the last several events, we have improved coordination between the departments of Sanitation, Transportation, Police and Emergency Management and the Metropolitan Transportation Authority, coordinating earlier on in the forecast cycle and taking steps to improve communication during winter weather events. The Department now sends a representative to the Department of Transportation's Joint Traffic Management Center in Long Island City to provide improved situational awareness.

In addition, the preliminary budget includes \$2.1 million in expense funds and \$8.6 million in capital funds to implement initiatives identified following the November snowstorm. These include the purchase of 10 large and 14 small brine trucks. Brine, which is a liquefied salt, can be applied in advance of winter weather and, like rock salt, inhibits the accumulation of snow and ice on roadways and can improve driving conditions during a snowstorm. We have already begun testing brine pre-treatment, and we will continue to evaluate its performance.

The preliminary budget also includes capital funds in FY 2019 to purchase 10 additional salt spreaders to provide dedicated service along highways and critical roadways throughout a snow event. These spreaders will be accompanied by an NYPD Highway escort to enable them to travel as needed through traffic or, in circumstances like the November snowstorm, against the flow of traffic to improve traction and relieve traffic caused by disabled vehicles.

Solid Waste Management Planning

In 2006, the New York City Council adopted and the New York State Department of Environmental Conservation approved the City's Solid Waste Management Plan (SWMP). The SWMP is a fair, five-borough plan to sustainably manage New York City's waste and offer flexibility and resiliency in the case of a natural disaster or other emergency. The Plan provides New York City with new world class infrastructure and mandates a shift from waste export by long-haul truck to a system of marine and rail transfer stations spread throughout the five boroughs.

Over the last four years, the Department has worked to complete construction of the new marine transfer stations. The North Shore MTS in Queens was the first to open in March 2015. Later this month, on March 25, we will open the East 91st Street MTS. These MTSs are state-of-the-art facilities designed to operate sustainably and resiliently. They have rapid roll-up doors, negative air pressure systems, advanced ventilation and odor controls, and extensive floor proofing.

The opening of the East 91st MTS is the final step in implementing the City's long-term waste export program under the SWMP that has resulted in the reduction of truck travel associated with waste export by more than 60 million miles per year, including more than 5 million miles in and around New York City. It will also cut greenhouse gas emissions associated with waste transport by more than 34,000 tons annually, and contribute to a more equitable distribution of waste management infrastructure in New York City.

The commercial waste sector also plays an important role in achieving our zero waste goals. Offices, stores, restaurants, and other commercial establishments generate an estimated 3 million tons of waste a year. In November, we released our implementation plan for comprehensive reform of the commercial waste industry. "Commercial Waste Zones: A Plan to Reform, Reroute, and Revitalize Private Carting in New York City" lays out a blueprint for the implementation of commercial waste collection zones across New York City. The plan will create a safe and efficient collection system for commercial waste that provides high quality, low-cost service while advancing the City's zero waste goals.

Two weeks ago, the Department released the Draft Generic Environmental Impact Statement for the implementation plan. Next week, we will hold two public hearings to receive comments on this document. The first hearing is scheduled on the morning of Monday, March 11, and the second will be held in the evening on Thursday, March 14. We will also accept written comments from the public through March 25. We look forward to your input, as well as continuing our work with the City Council and stakeholders in this important process.

Recycling and Sustainability

To support the City's goal of sending zero waste to landfills by 2030, the proposed budget allocates a total of \$14.2 million in FY 2020 to the Department's Bureau of Recycling and Sustainability for waste prevention, recycling and sustainability programs, including outreach, partnerships, and service provision to residents, schools, agencies and NYCHA. In addition, this proposed budget allocates \$36 million to the Division of Solid Waste Management for our contracted recycling and composting vendors.

New Yorkers are recycling more than ever, and DSNY collected more recyclable material last year than any year in over a decade. The City's overall diversion rate has reached 20.9%, the highest rate in nearly two decades.

The Department continues to focus on diverting organics – food scraps, food-soiled paper and yard waste – from landfills, where they generate methane gas. Curbside organics collection serves 23 districts in the Bronx, Brooklyn, Queens and Staten Island. Buildings in the rest of the Bronx and Manhattan may enroll to receive collection. In January, we reached a milestone of establishing more than 150 food scrap drop-off sites to provide residents without curbside service the opportunity to compost their food scraps. In addition, more than 1,000 schools, institutions and agency locations now receive organics collection service. In FY 2018, New Yorkers diverted over 73,000 tons of organics, a 45% increase over the prior year.

The preliminary budget allocates funding in FY 2019 for 115 additional Sanitation Workers to fully fund existing curbside collection service. However, the Department is not funded to continue expansion of the curbside organics program to the remaining 16 districts at this time. We remain focused on providing efficient and reliable service in districts that already have curbside organics collection, and we are focused on working in those districts to increase participation and identify additional operating efficiencies. The Mayor remains committed to expanding curbside organics collection, but we know that we must do so in a financially sustainable way to be successful in the long-term.

Despite this, we are actively working to grow the organics program in other ways. This fall, we will expand the number of schools participating in organics collection by converting three existing school truck routes to organics collection. In addition, we will add additional City agencies and institutions to existing organics collection routes as called for by Local Law 22 of 2019, passed by this Council last year. We will also continue to recruit large apartment buildings to join the program, especially in areas where collection service already exists. We look forward to working with members of the Council, community boards, and other groups to educate and motivate New Yorkers and improve participation in the program.

This month, we will launch a new food donation portal to connect businesses seeking to donate food with organizations seeking to feed people. This portal is part of the next phase of our donateNYC program and will help reduce food waste before it gets thrown out. The tool, created pursuant to Local Law 176 of 2017, prioritizes neighborhood-based, local food donations.

Beyond organics, our portfolio of textile and e-waste recovery programs continue to grow both in participation and in material recovered. In FY 2018, the Department partnered to recover nearly 19,000 tons of textiles through refashionNYC, clothing drop off locations, and through donateNYC partners.

Additionally, in late February the Department and our donateNYC partners hosted ReFashion Week NYC – a first-of-its-kind event celebrating sustainability and reuse in fashion. The week-long celebration included events across New York City, such as a pop-up market, clothing swaps, a mending and upcycling workshop, and a ReFashion show – all focused on reducing textile waste and making fashion sustainable. As fast-fashion wear becomes more popular and accessible, the amount of textile waste is also expected to grow. ReFashion Week NYC aims to connect the fashion world, sustainability experts, the re-use industry and consumers by raising public awareness of textile waste, and we look forward to hosting and popularizing this event annually with our donateNYC partners.

In FY 2018, the Department recycled roughly 30,000 tons of electronics through ecycleNYC, drop off events and the appointment-based e-waste collection program. In FY 2020, we will expand household e-waste collection to the rest of Queens and the Bronx. The Department also continues its popular SAFE Disposal program, offering 5 permanent special waste drop-off sites and 10 borough-wide SAFE Disposal events per year, plus smaller pop-up events hosted by community partners. In FY 2018, our SAFE program diverted over 600 tons of household hazardous material for safe and proper recycling.

One of the greatest challenges to recycling in New York City, when compared to other American cities, is the enormous density and diversity of the building stock. Storage space, signage, and the level of custodial service are the most important factors for recycling compliance in our large, dense city. Despite the multitude of convenient collection programs we provide New Yorkers to recycle or reuse waste, we know that education and outreach are critical to increasing participation in these programs and achieving our zero waste goals. That is why in FY 2018, the Department launched a zero waste building management training program to train and support building staff to improve the set-up of pre-collection storage areas in their buildings that will facilitate better waste management and source separation recycling practices of building residents. During the first year of the program, the Department had over 75 participants with a near 100% graduation rate. The zero waste building management training program continues and we expect it to grow in 2019.

As you also know, some of New York City's waste stream is influenced heavily by State law. We are closely monitoring legislation impacting the "Bottle Bill", more formally known as the New York State Returnable Container Law, and single-use carry-out bags which the State Legislature is presently considering. In the coming weeks we hope to continue discussions with the Chair and this Committee toward our mutual goal of focusing on solutions and policy mechanisms to address these materials in our waste stream.

Lastly, I would like to take this opportunity to remind the New Yorkers that our foam ban, at long last, took effect on January 1. Businesses may no longer use, offer or sell foam food-service products and loose fill packing material in New York City. Last December, the Department sent a mailer out to affected city businesses, and outreach and education efforts will continue through the six-month warning period. Businesses that continue to use or sell foam products will be subject to violations beginning on July 1.

Closing Remarks

In closing, I wish to thank Chair Reynoso and the other members of this committee for continuing support of our programs and work. You are critical partners as we work to keep New York City healthy, safe, and clean. Thank you for this opportunity to testify this afternoon, and my staff and I are now happy to answer your questions.



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
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Daniel D. Brownell
Commissioner and Chair

**Testimony of Commissioner Daniel D. Brownell of
the New York City Business Integrity Commission before
the Committee on Sanitation and Solid Waste Management of
the New York City Council on the Fiscal Year 2020 Preliminary
Budget, the Preliminary Capital Plan for Fiscal Years 2020-2023, and
the Fiscal Year 2018 Preliminary Mayor's Management Report**

March 8, 2019

Good afternoon, Chair Reynoso and members of the City Council's Sanitation and Solid Waste Management Committee. I am Dan Brownell, Commissioner and Chair of the New York City Business Integrity Commission, or BIC. Joining me today are First Deputy Commissioner and General Counsel Noah Genel and Assistant Commissioner of Finance and Administration Cindy Haskins. Seated just behind us is BIC's Deputy Commissioner of Regulatory Compliance and Background Investigations Alison Bonfoey. Thank you for inviting us to testify today.

Background on the Business Integrity Commission

I will begin with some background information about BIC. We are both a law enforcement and regulatory agency, with a total budget for 2020 of \$9.28 million. BIC currently has a total of 79 employees, which includes 11 investigators, 11 attorneys, 7 auditors and 8 intelligence analysts. In addition, we work with a squad of detectives from the NYPD's Criminal Enterprise Investigations Section, who are physically stationed in BIC's offices. Our

investigators and attorneys frequently work with the CEIS detectives on long-term criminal investigations.

BIC was created through Local Law 42 of 1996 to regulate the commercial garbage hauling – or trade-waste – industry and rid it of the grip of organized crime and other corruption. The agency was originally known as the Trade Waste Commission. But soon after its creation, the City Council expanded the agency’s jurisdiction to include oversight of the public wholesale markets, which include the produce and meat markets and the New Fulton Fish Market in the Bronx, along with two other meat markets – one in the Meatpacking District in Manhattan and the other in Sunset Park, Brooklyn. After the markets were put under our jurisdiction, the agency’s name changed to the Business Integrity Commission. We play a unique role in City government as we work to regulate and improve these once-troubled industries. In fact, there is no other agency quite like BIC anywhere in the country.

Our comprehensive background check process is a central pillar of BIC’s oversight. That process consists of thorough investigations into the owners, key employees and finances of our applicants. We seek to ensure that those companies are not operated by or in any way connected to organized crime or other corrupt influences. After more than two decades of BIC regulation, these industries are now far better than they were. As a result, the agency has continued to evolve over the last several years to address new challenges.

Safety in the Trade-Waste Industry

Collecting and transporting trade-waste, particularly in New York City, is a dangerous and strenuous job. The collection trucks are huge and must share the road with many other motor vehicles, along with cyclists and pedestrians. As a result, this Administration has made safety in the industry and on the City’s streets a priority.

Our jurisdiction over safety in the trade-waste industry is limited, but we work within our powers to improve safety on our streets. Since 2016, BIC has been an integral member of the Vision Zero Task Force, which is part of Mayor Bill de Blasio’s Vision Zero initiative to end traffic deaths and injuries in New York City. Vision Zero is founded on the assertion that every death or serious injury involving a motor vehicle in New York City is one too many. The focus is on protecting the life of everyone who lives in, works in and visits our city. BIC is doing our part to achieve this goal.

In the fall of 2018, we passed additional safety-related rules for the trade-waste industry. Trade-waste companies now must notify BIC of all crashes in which their vehicles are involved, and must maintain written policies and procedures regarding compliance with all relevant laws, rules and regulations of federal, state and local government authorities. Additionally, the new rules require the companies to increase the minimums on various business-related insurance policies.

BIC also continues to promote the universal trade-waste safety manual that we created in 2018, along with some of our partner agencies and members of the trade-waste industry. To date, we have distributed hundreds of copies of the manual, which is also available on our website. We are currently working on a second edition of the manual, and on instructional videos to go along with it.

On January 14, 2019, BIC hosted a workshop on the safety manual – termed a “train the trainers” event. A representative from the City’s Department of Transportation led the training for managers, drivers, and helpers from numerous trade-waste companies to assist them in providing more-effective strategies to train their workers in various safety practices and procedures. The event was a great success, with approximately 80 attendees. We intend to host similar events in the future.

In addition, BIC has prioritized traffic safety for the trade-waste industry, conducting a number of joint enforcement operations with the NYPD targeting unlawful operation of trade-waste trucks. We thank the NYPD for helping us address the problems of speeding, running red lights and other Vehicle and Traffic Law violations by trade-waste trucks. Since last summer, the NYPD and BIC have conducted approximately 15 joint operations, which have resulted in the issuance of more than 1,100 NYPD summonses, along with more than 80 BIC administrative violations. The majority of the BIC violations were for undisclosed drivers, commingling recyclables with garbage and license plates not properly affixed to the trucks. Perhaps most importantly, 19 unsafe trade-waste trucks were put out of service on the spot and towed. BIC looks forward to continuing to work with the NYPD on this initiative.

Lastly with respect to safety, in January 2019, BIC hired a Safety Data Analyst. This is a newly-created position at the agency and demonstrates our commitment to safety. This analyst reports directly to the First Deputy Commissioner and General Counsel and is tasked with compiling all safety-related data at the agency and helping us make good use of it to improve safety in the trade-waste industry. The goal is for BIC to be more proactive in terms of safety, trying to find patterns and trends in the data to help inform our policies.

Implementing Local Law 145 of 2013 (Vehicle Emissions Law)

One of BIC's focuses this year is continuing to educate companies on the requirements set forth in Local Law 145 of 2013, which is New York City's vehicle emissions law relating to the trade-waste industry. This law requires all heavy-duty trade-waste vehicles to be equipped with either an EPA-certified 2007 or later engine or utilize specific retrofit technology on 2006 or older engines. The compliance date is January 1, 2020. So far, the industry in general has been slow to make the necessary changes to the fleets. Compliance cannot be achieved overnight – particularly for larger companies.

BIC has been issuing frequent directives to the industry to provide them with further information and resources regarding the implementation and effects of this law, and we are working closely with DEP to organize a resource fair to connect companies with the various vendors that provide retrofits. But, the bottom line is that time is growing short, and it is each company's responsibility to comply with the vehicle emissions law. BIC is empowered to deny license and registration applications for failure to comply with that law, and BIC will use its authority to take a strong stand against companies that flout this important environmental initiative. BIC has begun issuing administrative violations to companies that have not provided vehicle information to BIC as directed.

BIC and Trade-Waste Industry Unions

Organized unions have been a key partner in improving safety in the trade-waste industry. Understanding the needs of workers in the industry, their jobs, and the challenges they face is essential to making the industry – and the City as a whole – safer. Last month, I testified in front of this committee in favor of three bills relating to unions. I am pleased that, on February 28th, the City Council passed all three. We have strong relationships with a number of other agencies that enforce labor laws, and have been speaking to them about this new legislation. We will continue to collaborate with them – and hopefully establish new relationships with other agencies – to help empower workers in the trade-waste industry. Additionally, we are working with the Department of Consumer and Worker Protection as we develop a workers' bill of rights for the trade-waste industry.

BIC's PMMR Data

The PMMR is a measure of BIC's achievements, efforts, and goals in carrying out our law-enforcement and regulatory duties, preserving a competitive and fair environment in the industries we oversee. BIC fulfills its mandate through vigorous background investigations,

criminal and administrative investigations, and the development and enforcement of our regulations.

With respect to administrative violations, BIC issued significantly more violations to our licensed and registered trade-waste companies this fiscal year compared to the same four-month period last fiscal year. This increase is primarily due to trade-waste companies failing to comply with Commission directives, such as providing BIC with vehicle data as it relates to the vehicle emissions law.

Regarding enforcement in the City's public wholesale markets, the number of violations issued remains consistent with the same four-month period a year ago. BIC issued 22 violations in 2018, compared to 23 violations during the same period of 2019.

While improving the efficiency in the application process continues, BIC must maintain its high standard of background review and investigation for all of our applicants. These investigations are dynamic, depending on the available intelligence, and some can become quite complex and lengthy. That being said, BIC strives for balance between the competing goals of a thorough background investigation process and improved productivity.

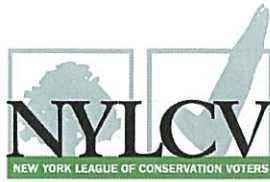
Approval time on market applications has improved overall. The average age of a pending market application has decreased by 31%; the average time to approve such an application has decreased by 45%.

Due in part to a high renewal application cycle for trade-waste applicants, the number of pending trade-waste hauling applications has increased by 41% in the first four months of fiscal year 2019 compared to the same period of fiscal year 2018. The average time to approve a trade-waste renewal application has increased by 19%. In addition to the renewal cycle, there were also a number of investigations and other projects that required increased attention from BIC staff, including attorneys, investigators and auditors. Those matters took staff time away from

processing applications. Despite these challenges, because we prioritized reviewing new trade-waste applications (as opposed to renewals), the average time to approve a new trade-waste hauling application has remained steady. This is important because new applicants cannot operate unless their applications are approved, while companies submitting renewal applications can continue to operate while their applications are under review.

Conclusion

This summarizes our recent work. BIC is looking forward to the challenges in the year ahead, including continuing to improve safety in the trade-waste industry and ensure compliance with the vehicle emissions law. We now would be glad to answer your questions.



**Testimony of Adriana Espinoza
NYC Program Director
New York League of Conservation Voters**

In addition to traditional marketing, the City should expand its targeted outreach. In particular, maintenance staff in large buildings should be seen as key ambassadors to the City's zero waste goals. Sustainability training for this sector could have an exponential impact on diversion rates.

Finally, child and youth engagement is key. The earlier we can instill the importance of eco-friendly behaviors, the more likely they are to carry it into adulthood. The City should continue to expand its educational programs in schools and encourage better source separation in cafeterias, particularly of organic waste.

Diverting organic waste from landfills is perhaps the most critical component of 0x30, as organics represents 31% of the residential waste stream. Further, when this waste ends up in landfills, it releases significant quantities of methane as it decomposes. Methane is a potent greenhouse gas. It absorbs heat from the sun at *32 times* the rate of carbon dioxide, trapping that heat in our atmosphere and contributing to global warming.

Unfortunately, instead of growing the residential organics program to keep more of this waste from landfills, last year DSNY "paused" their expansion. To date, advocates have not been told when the program will resume. Before the expansion was paused, NYC's organics program was already the largest of its kind in the country. NYLCV recognizes the complexity of sustaining (and growing) a program of this size. However, if Zero Waste is truly a goal of this administration, the budget figures should reflect a investment significant enough to bring the organics program to scale citywide and stimulate demand in the market for regional processing capacity of this waste.

I would like to thank Chair Reynoso and the entire Committee on Sanitation and Solid Waste Management for your leadership, and I look forward to working with you all to secure more funding in the FY20 budget for 0x30 initiatives.

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**Testimony of Adriana Espinoza
NYC Program Director
New York League of Conservation Voters**

Preliminary Budget Hearing on Sanitation & Solid Waste Management
March 8, 2019

Good afternoon. My name is Adriana Espinoza, and I am Director of the New York City Program at the New York League of Conservation Voters (NYLCV). NYLCV represents over 31,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. NYLCV would like to thank Chair Reynoso and members of the Sanitation Committee for the opportunity to testify here today.

NYLCV supports the passage a city budget in FY 2020 that secures progress on many of the environmental, transportation, and public health priorities Mayor De Blasio has called for in OneNYC and beyond. Our city is staring down a crisis of existential importance, and it is incumbent upon our elected leaders to invest our tax dollars in climate action and solutions.

The Department of Sanitation's Preliminary FY20 budget invests heavily in personnel, exporting waste, and general administration. However, only a fraction of the Department's preliminary budget -- \$55.1 million, or about 3.1% -- is dedicated to waste prevention, reuse, and recycling. This number represents a 9% decrease from the FY19 adopted budget, and is in stark contrast with the 23% of the budget being used to export our waste.

Moreover, these figures are inconsistent with the City's stated goal of Zero Waste to landfills by 2030 (0x30). In FY19, the total curbside and containerized recycling diversion rate was 17.6%, an increase of just over 2% from FY14. If we continue at this pace, diversion citywide will be a meager 24% in 2030. DSNY's waste prevention budget must reflect a more aggressive attempt to achieve our 0x30 goal.

Reaching the City's zero waste goal will require work from all New Yorkers--cooperation of city officials, private industry, and buy-in from the general public. If we are to reach our goal of Zero Waste to landfills by 2030, NYLCV believes the City should invest \$10 million in public engagement around the organic waste and recycling programs available to residents.

It is imperative that New Yorkers know not only the options available to them, but also the environmental significance of participation.

Current marketing for Vision Zero, a goal which has the focus and budget indicative of a serious policy priority, should serve as a template. This outreach should inform New Yorkers of the programs available and teach them how to properly sort recyclables and organics, but solely focusing on the *what* and *how* is not enough. The campaign should explain *why* these changes are necessary, and make a direct connection to climate change and the City's sustainability goals.

WHY NYC NEEDS TO SUPPORT THE EXPANSION OF THE RETURNABLE CONTAINER ACT
ORAL TESTIMONY- SURE WE CAN

City Council Committee on Sanitation and Solid Waste Management
Zero Waste Oversight Preliminary Budget Hearing, March 8, 2019

Good afternoon, Chairman Reynoso and other members of the Sanitation and Solid Waste Management Committee. My name is Ana Martinez de Luco, co-founder of Sure We Can, a nonprofit redemption center serving canners in Williamsburg, Brooklyn. With me is Pierre Simmons, a canner and Sure We Can Board vice-president. We are not here today to ask for money. Rather, we are here to **ask for your support for the proposed Bottle Bill Expansion.**

We hear from some city leaders that the NY State Bottle Bill is in conflict with the New York City recycling programs operated by SIMS Corporation. Yet in 2009 the city DS testified in favor of the Bottle Bill reform (BBBB) and, until late 2017, the Department of Sanitation website reported that the Bottle Bill reduces litter by 70 percent, saves more than 52 million barrels of oil, and eliminates 200,000 metric tons of greenhouse gas each year. We are quite sure that Sanitation Committee has received reports proving that the **highest recycling diversion rates are a direct result of the deposit system.** In 2018 alone, Sure We Can received and returned to distributors for recycling (785 tons of glass, 80 tons of plastic PET and 65 tons of aluminum cans) close to a thousand tons of containers. This is just a fraction of the amount of containers that are thrown away in the City each year. This waste diversion is accomplished without a penny of the "City's" money.

For the past eleven years, we have received overwhelming public support and appreciation for our work. Although there has been some lack of clarity around the question of whether the work that canners do is legal or illegal, Commissioner Garcia was kind enough to clarify that when canning is done on foot or bicycle using carts, as we do it, it is legal. Despite the legality of our work and the important contribution we make to New York City by diverting recyclable materials from the trash, the Office of Management and Budget, have expressed concern that canners cause the "City" to lose money. We asked: how can the City lose money because of our work, if the 5 cent deposit is paid by the consumers, and the handling fee is paid by the distributors (Extended Producers Responsibility)?

We want to make the point that canners are NOT responsible for revenue losses in the city recycling program. You are all familiar with the contract that was signed in 2008 between SIMS and the Department of Sanitation. We have been told that the DS committed to deliver to SIMS a quota of 'valuable recyclables.' When they fail to do so, the City is required to compensate SIMS. As you know, the contract was based on the Waste Characterization Study of 2004-2005 (The darkest year for recycling and canners, since the only redemption Center, WE CAN, closed that year). The contract, that became effective the very same year as the reformed Bottle Bill, includes the following provision "If the State enacts a Bottle Bill Change. . . , a **Recyclable Stream Composition Study** shall be performed. Today we ask: Was such a Study ever done? The City has been losing a lot of money for the past nine years, not due to us, canners, but because the **Recycle Stream Compensation Study** was never completed, as far as we know. Therefore the quotas the city is required to deliver to SIMS have never been adjusted down from that of 2004-2005, in response to increased citizen participation in recycling through the deposit system, due to a financial crisis as well as the opportunities the Bottle Bill reform offer.

We, the canners, are thousands of NYC residents walking the streets day and night to earn our nickels by picking up the containers left behind by others –in trash cans, in recycling bags, in bars and restaurants, in parks, on the ground. As Francesca Belardi, a journalist, said: *“The great majority of canners collect any returnable container they find in their path and help keep streets clean. Some wait outside restaurants and bars. Others have agreements with superintendents of buildings so that they can go into the basements to sort the residents’ waste. They don’t simply pick up bottles and cans from clear bags, they sort everything, saving thousands of containers from black bags too.”* Belardi knows well how canners work, and where they work, through her year-long reporting project on canners, documented on the website cannersnyc.org. As she and others know well, we canners perform a service. Are we stealing from the “City” by carrying out the mandate of the Bottle Bill?

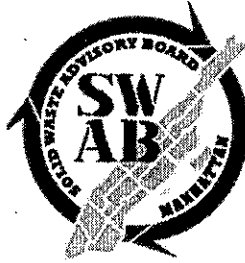
Beyond its environmental and economic benefit to the city, the Bottle Bill has created thousands of jobs, and income for so many thousands of people in the City, people like me, who for many reasons are not able to obtain other kinds of jobs. Some may receive a disability check, but who could live in this City on disability alone? We survive thanks to the Bottle Bill. A Study done by Eunomia “Employment and Economic Impact of Container Deposits” shows that *the deposit system in New York has created a robust industry of workers through the infrastructure that supports the system.* The study foresees that a Bottle Bill modernization will result in much greater employment rate and economic benefits for all (Attached is the Summary of the report)

Bill De Blasio’s *Plan for a Strong and Just City (known as “OneNYC”)* lays out a commitment to creating a dynamic, **inclusive economy**, a healthier environment. . . Despite its documented environmental benefits, there is no indication that the Bottle Bill has a place in the Mayor’s vision for a green future. And although the Department of Sanitation of New York City rebuilt their website and removed all information regarding the Bottle Bill, it is abundantly clear that the deposit system is actually very effective for achieving these goals.

We know that there may not presently be a process for formally incorporating our grassroots work into the infrastructure of solid waste management, as other big cities around the world have already done. We know that neither canners nor Sure We Can, will receive funding from this budget. All we ask from you present here today is to **support the proposed Bottle Bill Expansion that many of us are committed to, believe in, and in need of. Please do not side with the private recycling industry, which is already opposing the Bill expansion.** SIMS has issued a *MEMO IN OPPOSITION* of the *Proposed Bill Expansion*; last Monday it was presented to the Brooklyn SWAB as the “City position” to the Governor’s proposed Bottle Bill expansion.

SIMS is not the same as the city. SIMS works for the city. But **we work for the City too.** SIMS receives millions from this City Budget, we receive unfair accusations.

SIMS Metal Management is the world’s largest listed metal and mining corporation with over 250 facilities and more than 4,800 employees globally, with an annual net income of more than a hundred million (120 million last 2017), to be shared among a handful of millionaires. We are part of a *Global Alliance of Waste Pickers*, millions of human beings present on all continents (www.globalrec.org), We are developing a **popular economy**, making a living out of what others discard while also making our cities and the planet better for everyone. Today we plead you: **Support the Bottle Bill Expansion, do the Study the contract provides for, then adjust the “quota”, so that the City –we, tax payers, may not lose so much money for recycling, but increase its diversion rate.**



TESTIMONY OF THE MANHATTAN SOLID WASTE ADVISORY BOARD

Co-signed by the Brooklyn Solid Waste Advisory Board and the
Queens Solid Waste Advisory Board Organizing Committee

*City Council Committee on Sanitation and Solid Waste Management
Preliminary Budget Hearing, Friday, March 08, 2019*

Good afternoon, Chairman Reynoso and members of the Sanitation and Solid Waste Management Committee. My name is Jacquelyn Ottman. I am chair of the Manhattan Solid Waste Advisory Board (the Manhattan SWAB). The Brooklyn SWAB and the Queens SWAB Organizing Committee have also co-signed this testimony.

I am attaching to this testimony a copy of a letter that the Manhattan SWAB is sending to the Mayor today underscoring our request for continued support and expansion of the organics curbside collection program, something that we believe is essential to achieving our zero waste as well as climate goals.

I am specifically testifying today to ask the City Council to support the full-funding of DSNY's FY20 budget request of \$55 million for waste prevention, reuse, and recycling — and in particular, to underscore our support for a ^{an incremental \$15} \$20 million request for a mass education and outreach campaign to bolster citizens' participation in recycling and other waste prevention activities. Here's why we believe such a campaign is necessary.

The Mayor's OneNYC plan that was introduced in 2015 called for increasing the diversion rates of mandatory residential recyclables like metal, glass, plastics, and paper and cardboard through a number of measures including introducing financial incentives, shifting to single stream collection, creating zero waste schools, and requiring collection in commercial offices. It also included new voluntary programs to make it easy for residents to divert a host of other recyclable items from the waste stream — clothing and textiles, electronics, and organics, among them. Much to our disappointment, some of these initiatives have failed to be implemented. And the residential diversion rate stagnates at 30% while a full 77% of the waste stream is recyclable.

This level of recycling is not sustainable. It is not in line with the City's environmental and climate goals. And it puts the City at significant financial risk given that we must export our waste at great cost. **Clearly,**

something new and bold needs to be done to help ensure that we achieve the City's goal of zero waste to landfill by 2030! A \$100 million ^{increase to our} public education and outreach ^{efforts} campaign ^{help} can fit that bill.

Recycling infrastructure and enforcement efforts alone cannot guarantee active compliance and participation in the City's recycling programs. New York's 8.6 million residents must be motivated to adopt the day in and day out habit of recycling and take other steps to reduce their waste. A massive education and outreach campaign can help make 'reduce, reuse and recycle' the core value within our City's consumption culture necessary to reaching our goal.

Planning for such a campaign must begin with an updated understanding of what New Yorkers know and feel about the City's recycling program. No large scale market research to track New Yorkers' recycling-related awareness, attitudes, understanding and habits has been conducted since 2005. In a city as transient as New York, awareness of the need to recycle, supplemented by the knowledge of what, where and how to recycle must be constantly cultivated. To reinforce a daily habit, reminders to recycle must be constant and ever-present in the media, and in the public spaces, transit stations, workplaces, schools and other places where most New Yorkers can be reached.

Furthermore, much has changed since 2005. Many more items are now being collected for recycling. This includes the full range of plastics, plastic bags and film in supermarkets (a New York State law), as well as the aforementioned clothing, electronics and organics. Meanwhile, a new generation of recyclers has grown up without the social force of a public campaign about why and how to recycle. And as a result of the OneNYC plan, 400,000 NYCHA residents now have access to recycling but very little relevant education.

Also, attitudes have changed within the population at large, further underscoring the need for compelling messaging. Skepticism now runs high among Americans — particularly among Millennials (31%), our largest generation and future leaders — that whatever is collected for recycling will actually be recycled into new materials. As depicted in the chart developed by members of our Residential Recycling Committee that I am including with our testimony, the DSNY's 2017 Waste Characterization Study revealed that 71% of the what's winding up in the trash — the residue after recyclables are diverted from the total waste stream — is fully recyclable within the City. This suggests high levels of confusion about what exactly can be collected. Clearly, education is critical to imparting an appreciation for the need to recycle and its appropriate role within the waste management Reduce, Reuse and Recycle hierarchy.

We here in NYC are blessed to be the home of the world's leading community of marketing communications, media and outreach experts. This community possesses in abundance the expertise necessary to develop a compelling communications campaign for a fraction of the \$412 million requested allocation for FY2020 to export our waste. Our advertising and media community is capable of tapping into New Yorkers' pride and beliefs that theirs is the greatest city in the world. The long running "I Love New York" campaign is just one example. The creativity and environmental passions of today's Millennials can be enlisted to create cost-effective viral videos, hashtags, images and more that can make the daily and sometimes unseemly aspects of sorting our waste, cool.

An effective campaign can start by convening a high level Zero Waste Education and Outreach Advisory Board composed of senior (active and retired) executives of major communications firms. The MSWAB stands ready to assist with creation of such a Board, as well as provide additional ideas and support for a much needed education and outreach effort on behalf of zero waste.

Thanks for your time to submit this testimony. I'd be happy to take any questions you may have.

###

The Manhattan Solid Waste Advisory Board

Chair: Jacquelyn Ottman; Vice-Chair: Rona Banai; Co-secretaries: Katie Hanner, Christine Johnson.
Members: Margot Becker, Matthew Civello, Maggie Clarke, Debby Lee Cohen, Peter Cohen, Naomi Cooper, Phillip Corradini, Sarah Currie-Halpern, Meredith Danberg-Ficarelli, Cullen Howe, Sofia Huda, Melissa Iachan, Nathaniel Johnson, Kate Mikuliak, Kathy Nizzari, Diane Orr, Tinia Pinia, Martin Robertson, Laura Rosenshine, Jennie Romer, Rick Schulman, Brendan Sexton, Marc Shifflett.

The Manhattan Solid Waste Advisory Board (MSWAB) is a volunteer citizens' advisory board dedicated to helping NYC achieve its zero waste goals. We advise the Manhattan Borough President, City Council, City Administration and others on policies and programs regarding the development, promotion and operation of the City's waste prevention, reuse and recycling programs. We are a Board comprised of solid waste management industry, waste reduction and diversion consultants, sustainability professionals, and concerned citizens, appointed by the Manhattan Borough President's Office. We produce two grant programs: the NYC Community Composting Grant and the NYC Reuse and Repair Grant, hold monthly meetings, provide information online about waste reduction and diversion in NYC, and have a number of active committees, all of which are open to the public.

Testimony Co-Signers:

Brooklyn Solid Waste Advisory Board SWAB

Sarah Bloomquist, Chair, Kendall Christiansen, Vice Chair, Dylan Oakley, Legislative Committee chair.

Queens Solid Waste Advisory Board (QSWAB) Organizing Committee

Amy Marpman and Wylie Goodman, Co-chairs

Attachment: Chart: What's in NYC's Trash



Source: DSNY 2017 Residential Waste Characterization Study
Copyright (c) 2018 by J. Ottman Consulting, Inc. Design: Baygals Design

PIKTOCHART

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March 8, 2019



Mayor Bill de Blasio
City Hall
New York, NY 10007

Dear Mayor de Blasio,

The Manhattan Solid Waste Advisory Board (MSWAB) supports commitment to a continued expansion of New York City's residential organics program and to a mandatory citywide organics curbside collection program.

In 2013, Mayor Michael Bloomberg signed into law Local Law 77, which required the Department of Sanitation (DSNY) to establish a voluntary residential organic waste curbside collection pilot program. After five years of pilots, today, that program is a mixture of voluntary apartment building registrations, voluntary drop-off programs at farmers markets, and pilot curbside collections in a few neighborhoods and buildings in five boroughs. By comparison, after five years of pilot programs in the late 1980s and early 1990s, across the city for newspaper, cardboard, metal, glass and plastic, the City rolled out mandatory curbside recycling in 1993.

A mandatory citywide curbside organics collection program is essential since approximately one third of all waste collected by DSNY is organics. If this material would have been completely removed from the City's residential waste stream in 2017, an estimated 1.1 million tons of organic material would not have been required to be exported to landfills or incinerated at great cost to the City and the environment. A diversion from disposal of this magnitude would be a substantial step toward achieving the City's goal of achieving zero waste by 2030, and would have the added benefit of reducing a significant source of citywide GHG and ozone-causing emissions.

We are very concerned that as a result of DSNY's concerns about low participation rates and materials contamination in the current residential organics stream, a further roll out of the organics program to the remaining residents of the city has been placed on hold. We agree that low participation rates are a serious problem that needs to be addressed, not only for organics but for the entire recycling stream. The capture rate has been at 45-50% most of the time the programs have been in place for recycling, and in order to achieve zero waste, they need to approach 100%. In the case of organics, in 2018, daily collection rates for organics were approximately 83.6 tons, which constitutes only about 2% of the estimated 4,029 tons of residential organics produced per day.

While there are many reasons for this low capture rate, a primary reason is the fact that the residential program is voluntary and there is no enforcement or penalty for noncompliance. Another reason is that kitchen counter bins have not been provided to everyone, making the task of taking organics to the curb less appealing.

Additionally, New York City residents haven't been exposed to citywide campaigns that explain the benefits and process of organics composting, so they have little understanding of composting or motivation to participate. The problem of low capture rates could be addressed by a multi-approach, long-standing, citywide, robust public education campaign. The annual per capita budgets for recycling education have long been well below one dollar, often half that, not nearly enough for even a postage stamp.

MSWAB supports the following action items to ensure the continued viability of this critical program:

- **The organics program should be made permanent.** The current organics program created by Local Law 77 is a pilot program that "shall end no earlier than July first, two thousand fifteen". The

City should enact a law that will make this program permanent, as it did with the City's residential recycling program.

- **The organics program should be mandatory and curbside pickup should be offered to everyone.** Under the provisions of Local Law 77 the organics program is voluntary. To increase citywide capture rates that are comparable to the approximately 45% of metal, glass, plastic and paper that are collected as part of the City's mandatory recycling curbside program, the organics program must be made mandatory as well. Curbside collection will increase the capture rate considerably over requiring individuals to transport their food scraps to farmers markets and drop-off locations or convince their landlords to sign up their buildings. If the City operated its metal, glass, plastic, paper recycling program this way, the capture rate would be a fraction of what it is currently.
- **Sufficient funds should be allocated for outreach and education with a goal of increasing capture rate towards 100%.** Outreach and education are important components to increase participation, reduce underutilization of current capacity and ensure the overall success of a mandatory organics program. Different demographics and locations in the city require different, targeted approaches to inform and motivate their participation. Not everyone responds to (or even reads) the occasional paper flyers. Research in the advertising industry has shown that to get people to change their behavior, repeated, changing, targeted, humorous, innovative approaches must be used. Media used to impart information include print, broadcast, and social, as well as mass transit and billboards, schools, and via public agencies. Recycling outreach and education requires a dedicated budget equivalent to that of the City's Vision Zero campaign in order to reach the 50% who do not know how to, aren't interested in, see no reason to, or cannot recycle. And all programs, be they pilot, programmatic or outreach should be evaluated for efficacy and tweaked annually. The City should look to other successful municipalities to see how much they spend per capita, what their outreach programs look like, etc.
- **The program's cost structure should be carefully reviewed to identify savings.** Low participation is likely only part of the root cause of the high cost of administering this program. Close and careful and transparent review of the organics program cost structure needs to be conducted. Are trucks not always coming back full? Are rules prohibiting trucks crossing district lines the reason? Could better use of GPS improve truck routing?

We urge the Mayor and City Council to take the organics recycling program off hold and commit to a schedule of pilots to test collection and education to optimize and finalize a rollout for final mandatory curbside collection. Please consider these points in the context of reviewing DSNY's budget for FY 2020 to ensure the continuation and expansion of this critical program.

Sincerely,

Jacquelyn A. Ottman
Chair, MSWAB

- 1) <http://rules.cityofnewyork.us/tags/local-law-77-2013>
- 2) <https://www1.nyc.gov/assets/dsny/site/services/food-scraps-and-yard-waste-page/overview-residents-organics>
- 3) <https://dsny.cityofnewyork.us/wp-content/uploads/2018/04/2017-Waste-Characterization-Study.pdf>
- 4) https://dsny.cityofnewyork.us/wp-content/uploads/2018/12/about_dsny-curbside-collections-FY2019.pdf
- 5) Total tons per day at end of FY 2019 were 11,850 x 34 percent = 4,029
- 6) <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1450676&GUID=7743FA15-9A38-4854-8877-31C725522D90>

Cc: Hon. Manhattan Borough President Gale A. Brewer

Hon. Speaker Corey Johnson

Hon. City Councilman Antonio Reynoso

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

Name: ERIC GOLDSTEIN (PLEASE PRINT)

Address: _____

I represent: Natural Resources Defense Council

Address: 40 W 20 ST NY NY

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Name: STEVEN COSTAS (PLEASE PRINT)

Address: ACTING COMMISSIONER

I represent: SANITATION

Address: _____

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Date: _____

Name: LARRY CIPOLLINA (PLEASE PRINT)

Address: DEPUTY COMMISSIONER

I represent: FOR FINANCIAL MANAGEMENT

Address: SANITATION

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THE CITY OF NEW YORK**

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Date: _____

(PLEASE PRINT)

Name: BRIDGET ANDERSON

Address: DEPUTY COMMISSIONER

I represent: FOR RECYCLING + SUSTAINABILITY

Address: SANITATION

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Appearance Card

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(PLEASE PRINT)

Name: GREGORY ANDERSON

Address: CHIEF OF STAFF

I represent: SANITATION

Address: _____

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THE CITY OF NEW YORK**

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Date: _____

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Name: PLEASE

Address: _____

I represent: _____

Address: _____

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in favor in opposition

Date: _____

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Name: Chicago Crosby

Address: 303 Vernon Ave. #21E

I represent: Sure We Can - Redemption Ctr.

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ANA MARTINEZ DE LUCA

Address: 272 MARCY AVE. BROOKLYN

I represent: SURE WE CAN

Address: 219 MCKIBBIN ST, BROOKLYN

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THE CITY OF NEW YORK**

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in favor in opposition

Date: 3-8-19

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Name: STEVEN COSTAS

Address: _____

I represent: NYC DEPARTMENT SANITATION

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 3-8-19

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Name: Edward Grayson

Address: 125 Worth St

I represent: NYC Dept Sanitation

Address: 125 Worth

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THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-18-19

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Name: Lorenzo Cipollini

Address: 125 Worth St

I represent: DSNY

Address: 125 Worth St

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 3/8/2019

(PLEASE PRINT)

Name: Gregory Anderson

Address: _____

I represent: DSNY

Address: 125 Worth St. 7th Floor

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Date: 3-8-79

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Name: Bridgit Anderson

Address: 125 W 4th St

I represent: DSNY

Address: 125 W 4th St

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THE CITY OF NEW YORK**

Appearance Card

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Date: _____

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Name: Adriana Espinoza

Address: _____

I represent: NY LCV

Address: _____

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in favor in opposition

Date: 3/8/19

(PLEASE PRINT)

Name: Cindy Hoskins

Address: 100 Church St.

I represent: Business Integrity Commission

Address: 100 Church St.

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in favor in opposition

Date: 3/8/19

(PLEASE PRINT)

Name: Noah Genel

Address: Bar 100 Church St.

I represent: Business Integrity Commission

Address: 100 Church St.

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Appearance Card

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in favor in opposition

Date: 3/8/19

(PLEASE PRINT)

Name: Daniel D. Brownell

Address: Business 100 Church St., NY, NY

I represent: Business Integrity Commission

Address: 100 Church St., NY, NY

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Date: _____

(PLEASE PRINT)

Name: Jacquelyn A. Ottman

Address: _____

I represent: Manhattan SWAB

Address: 315 E 69 NYC

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Date: _____

(PLEASE PRINT)

Name: Melissa Iachan

Address: _____

I represent: Transform Don't Trash NYC/NYCP

Address: _____

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