

OPENING STATEMENT OF  
COMMISSIONER JOHN J. DOHERTY,  
NEW YORK CITY DEPARTMENT OF SANITATION

THE NEW YORK CITY COUNCIL COMMITTEE  
ON SANITATION & SOLID WASTE MANAGEMENT

MONDAY, APRIL 26, 2010 - 1:00 P.M.  
COUNCIL CHAMBERS – CITY HALL

**Int. No. 141** - A Local Law to amend the administrative code of the city of New York, in relation to commercial recycling.

**Int. No. 142** - A Local Law to amend the administrative code of the city of New York, in relation to a paint stewardship pilot program.

**Int. No. 147**- A Local Law to amend the administrative code of the city of New York, in relation to recycling education, outreach and enforcement.

**Int. No. 148** - A Local Law to amend the administrative code of the city of New York, in relation to the designation for recycling of rigid plastic containers.

**Int. No. 0156** - A Local Law to amend the administrative code of the city of New York, in relation to recycling in city agencies.

**Int. No. 0157**- A Local Law to amend the administrative code of the city of New York, in relation to leaf and yard waste.

**Int. No. 0158** - A Local Law to amend the administrative code of the city of New York, in relation to public recycling bins.

**Int. No. 0162**- A Local Law to amend the administrative code of the city of New York, in relation to household hazardous waste collection events.

**Int. No. 0164**- A Local Law to amend the administrative code of the city of New York, in relation to recycling.

**Int. No. 0165**- A Local Law to amend the administrative code of the city of New York, in relation to recycling at the Department of Education.

**Int. No. 0171**- A Local Law to amend the administrative code of the city of New York, in relation to the composting of food waste.

Good afternoon Chairwoman James and members of the Committee on Sanitation and Solid Waste Management. I am John Doherty, Commissioner of the Department of Sanitation. As Commissioner of the agency responsible for creating, designing and managing the most ambitious, comprehensive and largest recycling program of any city in our nation, I welcome this opportunity to speak before you today about the future direction of recycling, and how we can, and will, collaboratively together, modernize and expand it in this 21<sup>st</sup> century.

With me here today to answer your questions are Robert Lange, Director of the Bureau of Waste Prevention, Reuse and Recycling for the Department, and Larry Cipollina, Deputy Commissioner for Financial Management and Administration for the Department.

Having just celebrated the 40<sup>th</sup> anniversary of Earth Day last week and the Mayor's announcement of the process to update PlanNYC, which will include a comprehensive examination of the issue of solid waste, it is also fitting to acknowledge another important milestone in the City's green history and leadership, that is, the 21<sup>st</sup> anniversary of when recycling became the law in New York City on April 14, 1989 by the passage of Local Law 19 – the first such mandatory recycling law of any city in the nation.

Among cities across the nation having populations of over one million residents, New York City operates the most dynamic and complex residential program in the nation. We are the only city that collects recyclables at the curbside from all residents. We serve more than 3.2 million households and over 8 million residents across the City, most of who live in large-scale, multi-residential buildings and complexes. New York City's residential recycling program continues to be larger in scope and magnitude than any other program of any large city in the United States. Our capture rate for recyclables from apartment buildings, which is the bulk of our City's housing inventory, exceeds that of even the smaller and less densely-populated cities that are frequently heralded as being recycling leaders.

And, in case there is any doubt regarding the City's recycling efforts, its commitment, and future vision, I am here to assure you that recycling can and does work in New York City, and that the Department is committed to improving, expanding and maximizing recycling. And so today, this Council and the Administration are charged with the task of working together to make recycling work better for the public and constituents we serve.

We all agree that recycling is a major component of the City's integrated solid waste management system, and critical to our long-term solid waste management policy and planning strategies. The eleven bills under consideration today provide a plausible framework of initiatives to transform our current recycling program. In fact, the programmatic changes embodied in today's legislation have been the subject of ongoing discussions, meetings, negotiations and bill drafting between Department, Administration, and Council staff for over two years, and therefore, we support the general range of the initiatives proposed by these bills.

Since our time with you is limited today given the numerous other witnesses present who will speak after me, I will only briefly address each bill by sharing with you my initial thoughts on: (a) initiatives that I believe will ensure sustained expansion of our recycling program, and (b) certain issues that require further consideration:

- 1) Intro 164 – Following a decade of litigation and changing waste composition and generation data, we can all agree that the current tonnage mandates under Local Law 19 are obsolete and don't reflect current reality. Intro 164 creates two sets of recycling percentage goals, one pertaining exclusively to material the Department collects at curbside, and the second pertaining to all residential and institutional material that is either recycled or diverted through other programs in the City regardless of Department collection. We believe that the second set of goals, which would include Department-collected material, provides the public with a more meaningful and comprehensive picture of recycling and re-use efforts in New York City that can measure the success and growth rate of the City's recycling program. By contrast, the creation of two separate goals would confuse this picture, particularly when residential

household recycling is only one aspect of the City's overall recycling program. The focus of our efforts should be on encouraging recycling, no matter if the recycling takes place at the curb or at manufacturers and retailers across the city. The Council and Administration reached a prior agreement and understanding with respect to the broader set of goals set forth in Section 305(a) of this bill. We believe that the additional set of goals recently added to Section 305(b) of the bill are unnecessary.

Additionally, we oppose language in Section 305(i) that appears to turn the recycling goals in this bill into actual mandates. We also believe that, in the event that the City fails to meet two consecutive recycling goals, an outside consultant – not a special master – should be appointed to suggest additional steps that could be taken to enhance the City's recycling program.

2) Intro 148 – We support the expansion of rigid plastics, also referred to as plastics 3 through 7, to our curbside recycling program provided that economic markets exist to support such expansion. The legislation codifies some provisions of the City's 20-year processing contract with the Sims Group, which includes provisions for the expansion of the recycling program to allow for the incorporation of more plastics, and provides the necessary flexibility to the program by allowing it to expand as the technologies and markets develop and are able to support such expansion by guaranteeing a steady stream of plastic recyclables.

3) Intro 158 - The Department already has in place over 250 public space recycling containers across the City, and favors expansion of the program in future years. However, we believe that the provision of the bill requiring the City to spend additional money to purchase 100 custom litter baskets to facilitate easy access and retrieval of the discarded nickel deposit containers is unwise. We believe that these pilot litter baskets are unnecessary since the public space recycling baskets we provide already accomplish the important objective of enhancing the City's recycling program.

4) Intro 147 – We mutually agree that education and enforcement are critical to the viability and success of our recycling program, particularly if we are serious about achieving greater compliance. With this in mind, it may be helpful to examine the fine structure proposed under this bill, taking into account that this structure has not been altered since the law's inception 21 years ago.

The bill also proposes the creation of a recycling education course that a property owner may take in lieu of paying the full amount of the civil fine. Notwithstanding the administrative complexity involved in administering such a program since it must also involve the Environmental Control Board, we would like to discuss this program further with your staff because it is an interesting concept.

5) Intro No. 156 and Intro No. 165 - We support improved recycling in the City's schools and in city agencies. Over the last two decades, the Department has furnished the Department of Education and city agencies with an unprecedented level of hands-on assistance in implementing recycling in the City's public schools and in city agencies. We will continue to work with the Department of Education and individual schools, and with city agencies to

ensure that our continuing outreach assistance and service translates into successful recycling programs in all schools and agency work site facilities.

6) Intro Nos. 141, 164 and 171 – We look forward to further discussions with the Council on the studies and reports proposed by these bills, and the potential benefits they could yield in shaping and enhancing the City’s recycling efforts. As I mentioned earlier, the City will be conducting a comprehensive review of solid waste, including all of the subjects of the studies and reports mentioned in these bills. Rather than legislate a handful of issues to study and pilot programs to undertake, which would come with a cost, we believe that the best path forward is through the careful consideration of the entire solid waste picture via PlaNYC, culminating with the release of a comprehensive plan in April 2011.

7) Intro No. 157 – The Department supports the “Leave it on the Lawn” grass clippings program created by this bill, and looks forward to further discussions with the Council regarding the expansion of leaf and yard waste pick-ups.

8) Intro Nos. 142, 158 and 162 – The Department supports the inclusion of these programs designed to divert used paint, household hazardous waste, and textiles from Department curbside collection. As of July 1, 2011, the Department will provide one household hazardous waste collection event in each borough. Also beginning in the next fiscal year, the Department will initiate, in partnership with a City not-for-profit charitable organization, a citywide textile recovery program which will target used clothing and other textiles via drop-off locations citywide.

It is our mutual task to ensure that every New Yorker recycles at home, work and school. This means reasonable incentives and sensible programs to make sure New York City government delivers good on its intentions. The initiatives should modernize recycling and sustain it in the years ahead for the next generation of City leaders. We’ve joined together in a collaborative partnership to work constructively at solving our previous recycling challenges, and I believe additional discussion will yield both consensus and compromise toward a common and important civic purpose.

I will conclude my testimony now in order for us to answer your questions and engage in a dialogue on any one or all of the bills, or specific issues as you so choose. In closing, I would make two final points. First, a primary goal of our solid waste efforts should be to reduce the amount of waste city residents and businesses generate. Waste reduction strategies will provide the greatest environmental and financial benefits to our city and our planet. Developing innovative waste reduction strategies will be a primary focus of PlaNYC. We look forward to working with you on such efforts in the future. Second, I urge that as we move forward in our discussions to modify Local Law 19, we do so in a manner that re-affirms our mutual policies and objectives, while affording the Department the necessary flexibility to re-structure the program in a way that is practical, achievable and cost-effective and which encourages and facilitates the expansion of a successful recycling program.

Thank you for this opportunity to testify today. My staff and I would now be happy to answer your questions.



## FOR THE RECORD

Dear Sirs,

American Recycling Technologies Inc. (ART) is committed to helping the environment and the community. Since 1993, we have diverted used clothing from landfills and at the same time raised in excess of \$5,000,000 dollars for various charities by placing containers in New York, New Jersey and Connecticut. Our recycling containers are placed in high traffic flow areas, which are identified with logos of selected charities. With guaranteed 24 hour response time, we insure that our containers surroundings are maintained in a safe and attractive manner.

THE ART PARTNERSHIP ..... MAKING LIFE GREENER .....

This program is started by thinking globally and acting locally. Clothing represents approximately 4.9% of solid waste stream in our nation's landfills. This program is a partnership of public, private and community organizations to keep our landfills free of textile products flowing to landfills. This program benefits everyone at no cost to you.

At present American Recycling Technologies partnerships are with: Ambulance Squads, Community Counseling Centers, Community Policing Programs, Crime prevention Programs, Fire Departments, Police Departments, PTA'S, School Resources Officers, as well as contract with local municipalities to provide our services.

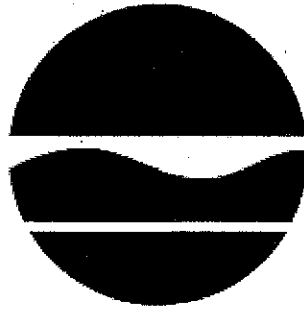
As a final note, we would be honored to work with any of you that have an interest in developing such a project to keep our landfills cleaner, and fund local programs.

Respectfully,

A handwritten signature in dark ink, appearing to read "Bruce N Binler", written over a horizontal line.

Bruce N Binler

President ART INC.



**Testimony of  
Resa Dimino  
Special Assistant, Commissioner's Policy Office  
New York State Department of Environmental Conservation**

**New York City Council  
Committee on Sanitation and Solid Waste Management Hearing**

**Regarding**

**Legislation to improve  
Solid Waste Management and Recycling**

**April 26, 2010**

Good afternoon, Councilmember James and members of the New York City Council Committee on Sanitation and Solid Waste Management. My name is Resa Dimino and I am a Special Assistant in the Commissioner's Policy Office at the New York State Department of Conservation (DEC). Thank you for inviting DEC to testify at today's hearing. Commissioner Grannis regrets that he is unable to attend today.

DEC is pleased to see New York City taking up this package of legislation that, taken together, will update the City's legal framework to support the implementation of its Local Solid Waste Management Plan. The package also begins to move the City toward the goals articulated in DEC's draft solid waste management plan, *Beyond Waste: A Sustainable Materials Management Strategy for New York* (available at <http://www.dec.ny.gov/chemical/41831.html>). I would like to note that Robert Lange, Director of the Bureau of Waste Prevention, Reuse and Recycling for the Department of Sanitation, was a valuable participant on the Advisory Group DEC established to develop this Plan and helped us address unique issues and challenges faced by the City.

New York State's Plan sets forth a new approach for the entire State—a shift from focusing on “end-of-the-pipe” waste management techniques to looking upstream and more comprehensively at how materials that would otherwise become waste can be more sustainably managed through the state's economy. This shift is central to the state's ability to adapt in an age of growing pressure to reduce demand for energy, reduce dependence on disposal, minimize greenhouse gas (GHG) emissions and create green jobs.

To accomplish this change, we must influence product and packaging design to foster a system that minimizes waste and maximizes the use of recyclable materials. And we must involve all players in the production and supply chain—from product manufacturers to distributors, retailers to consumers, and government. We will need to increase investment in recycling and distribution/reverse distribution infrastructure. Ultimately, this policy shift will result in decreased reliance on waste disposal facilities.

The materials management system envisioned in the state Plan would capture the economic value of our materials, conserve their imbedded energy, and minimize the generation of greenhouse gases and pollution. DEC projects that implementing this plan could reduce nearly 23 million metric tons of CO<sub>2</sub> equivalent GHG emissions annually, save more than 250 trillion BTUs of energy each year—as much energy as is consumed by more than 2.5 million homes—and create 74,000 jobs and economic opportunity in the process.

To determine how we will get there, we must first take stock of where we are. A critical part of our planning process was to look back at what has transpired over the past two decades and learn from that as we map out our path forward.

DEC's 1987 Solid Waste Management Plan (1987 Plan) was aggressive for its time. It set a goal of reducing, reusing or recycling 50 percent of the state's waste stream in ten years and set forth a solid waste management hierarchy, adopted into law in 1988, that placed priority on waste prevention, reuse and recycling, followed by municipal waste combustion (MWC) with energy recovery and, finally, landfilling as the lowest priority. Unfortunately, twenty-three years later,

the majority of the materials generated in New York are managed by the lowest priority strategy, and the state is still striving to achieve its recycling goals.

The implementation of the 1987 Plan, the Solid Waste Management Act of 1988, and local solid waste management plans established by municipal planning units like New York City, has yielded significant progress. The state's recycling rate has grown from approximately three percent to 36 percent of the entire materials stream and 20 percent when only municipal solid waste is evaluated.<sup>1</sup> However, the state rates appear to have stagnated at about that level for the last decade. Unfortunately, while the volume of recycling has grown, the rate of recycling has not. Consumption and waste generation continue to grow at rates which negate any increases in recycling; as a result although recycling has expanded, we haven't made any progress—New Yorkers generate about the same amount of waste today as we did 1990.

Today, twenty years after the state legislature passed the Solid Waste Management Act placing a priority on preventing waste and making recycling mandatory in New York communities, we are still wasting 65 to 80 percent of the materials that flow through the state's economy. While many communities have implemented exemplary integrated materials management systems that have yielded recycling rates well beyond the statewide average, recycling programs have been inconsistent not only from one community to the next, but also in different settings such as schools, businesses, and public spaces. DEC is pleased to see that several of the bills you are considering today – including Int. 141, related to commercial recycling, Int. 156 and Int. 165 to improve city agency and public school recycling, and Int. 158 to expand public space recycling opportunities – would advance recycling in these critical sectors.

Although land disposal should be the management method of last resort, landfills, either in-state or out-of-state, handle the largest proportion of New York's discarded materials. The continuing reliance on waste disposal—landfills in particular—comes at a significant environmental and economic cost.

As we face a rising global demand for resources and energy, a warming climate, and a faltering economy, continuing to throw away materials that could be reused or recycled just doesn't make sense. Using those materials to make something new creates jobs—and lots of them. New York already supports more than 32,000 jobs in recycling, and that could triple if the goals of the state plan are met.

Materials management can play a significant role in combating climate change; landfill gas is four percent of the state's GHG inventory. The U.S. Environmental Protection Agency (EPA) estimates that 42 percent of national GHG emissions are influenced by the lifecycle impacts of the products and packaging that become waste. Using recycled materials instead of extracting and fabricating new ones not only helps in the fight against climate change; it also conserves energy, and curbs air and water pollution. And composting food scraps instead of sending them

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<sup>2</sup>The total materials stream includes municipal solid waste (MSW), construction and demolition debris, biosolids (or sewage sludge) and industrial waste; MSW includes materials generated by the residential, commercial and institutional sectors. For a description of each of these streams, see section 7 of the Plan. For a discussion of the reporting and data on which this calculation is based, see section 8.3.1.



to a landfill avoids the generation of methane, a potent GHG, and sends our food back to nurture the land it came from. DEC supports the Council's efforts to promote food waste composting.

The new framework proposed in the state plan seeks to put forward policy and programmatic tools and options for planning units and communities that will help ensure strong waste reduction, reuse and materials recovery throughout the state. The Plan's recommendations include broad new policy concepts, expanded financial assistance for progressive solid waste and sustainable materials management, and education to help consumers and businesses reduce their generation of waste and recycle what cannot be reduced. The Plan also includes detailed recommendations for how planning units can better plan for recovery and offer strategies for developing and improving New York State's recovery infrastructure. Recognizing that the path *Beyond Waste* will require significant investment in new programs and infrastructure, one of the Plan's key recommendations is to identify a new funding stream dedicated in large part to municipal aid in this endeavor. As a package, these recommendations will lead New York State on a path *Beyond Waste*.

This Plan seeks to fundamentally change the way discarded materials are managed in New York State by progressively reducing the amount of materials that go to disposal over the ten-year planning period. Currently, New Yorkers throw away 4.1 pounds of MSW per person per day, or 0.75 tons per person per year. The Plan seeks to reduce the amount of MSW destined for disposal by 15 percent every two years. To achieve these reductions, the recommendations focus on three key points.

**1. Improve waste prevention, reuse and recycling.**

After 20 years, it is clear that mandatory recycling requirements alone are not enough to drive high levels of recycling diversion. To get past the plateau we've been on for the last decade, we need to:

- a. Clarify recycling requirements. All generators (including schools and businesses) are required to recycle in all places (public spaces, work places, etc.) and all carters are required to provide recycling services.
- b. Increase education, enforcement and the use of incentive programs.
- c. Maximize the use of existing infrastructure by:
  - i. Focusing on waste reduction, reuse, recycling and composting education;
  - ii. Utilizing incentive programs (e.g. Pay As You Throw/Save Money and Reduce Trash (PAYT/SMART) or RecycleBank); and
  - iii. Adding additional materials to existing recycling programs.
- d. Allocate resources to state and local programs.

**2. Increase composting and other organics reduction and recycling programs.**

Organic materials make up 30 percent of the materials disposed of in New York State. To move *Beyond Waste*, we must increase their recovery. Doing so has multiple benefits, including reducing the generation of GHGs, creating valuable soil amendments and creating jobs. To reduce organic waste generation and increase organics recycling, we must:

- a. Maximize the use of food redistribution programs to ensure that edible food gets to the hungry.
- b. Promote and demonstrate organics recycling systems and activities within state agencies.
- c. Build the infrastructure for composting and organics recycling.
- d. Require planning units to evaluate methods to recycle organic materials.

e. Restrict the disposal of yard trimmings and consider other policy approaches, such as phased in disposal prohibitions on other organic materials as we move forward.

3. **Implement product and packaging stewardship.**

Product and packaging stewardship programs extend the role and the responsibility of the manufacture of a product to include the entire life-cycle, including the ultimate disposition of that product or package at the end of its useful life. These programs create incentives for manufacturers to reduce waste in product and package design and increase recyclability. And, they provide critically necessary relief to local government solid waste management burdens by creating an alternative funding mechanism for recycling programs. DEC lauds the Council's leadership in enacting product stewardship programs for electronic waste and rechargeable batteries and we are encouraged by your proposal to enact a paint stewardship pilot. Other possible targets for product and packaging stewardship legislation include: packaging, printed products, pharmaceuticals, household hazardous waste, and mercury containing products.

The package of introductions you are considering today address all of these key areas and move the city toward the vision articulated in the state plan. Establishing new and progressively increasing goals and creating a consistent **reporting mechanism** are key to monitoring progress as we move forward. Improving **school and agency recycling** is essential; the public and the private sector look to government to lead by example, and students are such effective educators of their families. Improving **access to recycling in multi-family buildings and public spaces**, enhancing **education and outreach**, and **expanding recycling programs to include all rigid plastic containers and textiles** will help to maximize participation in the current program and get the best value out of the city's investment in recycling. Focusing attention on **commercial recycling** is also critical to moving *Beyond Waste*, since the commercial sector makes up such a significant percentage of the materials generated in the City.

To move *Beyond Waste*, we must focus on recycling the organic materials that make up the largest proportion of materials destined for disposal in New York State. The introductions on **leaf and yard trimmings composting** and **food waste composting** study and pilot project will help move the city toward the important goal of increasing diversion of organic materials.

The **paint stewardship pilot program** introduction would build on the city's leadership role in driving product stewardship in the state and build on programs done in other parts of the country. And, the introduction on **household hazardous waste** would require more convenient collection of these problematic materials and could create the core collection program to transition to product stewardship in the future.

In closing, DEC commends the City Council's leadership on recycling and solid waste issues. By enacting valuable local laws on electronic waste recycling, plastic bags and rechargeable batteries, you have played an important role in driving legislative action on the state level. For that, we thank you. We look forward to continuing to work with the Council, the Bloomberg Administration and the Department of Sanitation to move the state *Beyond Waste*. I am happy to answer any questions you might have.



Statement of Environmental Defense Fund  
Before New York City Council  
Committee on Sanitation Hearing  
April 26, 2010

Good afternoon. My name is Isabelle Silverman and I am an Attorney with Environmental Defense Fund, a national non-profit organization based in New York and representing over 500,000 members. I am here today to express EDF's support for the eleven recycling bills that help increase recycling rates and that help expand the city's recycling program.

### Introduction

The 11 bills are a comprehensive packet of bills that target most of the major issues around recycling. The bills deal with program targets, composting and yard waste, commercial recycling, recycling business development, school recycling, city agencies, public space recycling bins, enforcement and public education, household hazardous waste etc. The bills also call for a number of detailed studies that are all important.

### EDF Supports 11 Bills

EDF strongly supports these 11 bills. These bills constitute the first comprehensive look at recycling and expansion of recycling in New York City since LL19 was passed in 1989. EDF is particularly supportive of the expansion of rigid plastic recycling, recycling in public spaces and hazardous material recycling.

EDF recommends that the bills be strengthened as follows:

1. In parks, a clearly marked recycling bin should be placed next to *each* waste bin. This will make it easier for New Yorkers to recycle when they are in a park. If park goers first have to track down a recycling bin, they are much less likely to recycle. Having a recycling bin next to each waste bin also adds an educational component because it reminds New Yorkers that recyclables should be sorted out. The recycling bins should clearly list the recyclable materials that should be placed into the bin.
2. We strongly support the composting pilots listed in the bills and recommend that these pilots include the commercial and residential sector.
3. We believe that a successful recycling program also depends on periodic detailed waste composition studies to have a reasonable idea of waste material trends. It is

probably the case that the amount of newspaper, office paper and perhaps other paper products may be down. The recession may accentuate this. In any event, to evaluate effectively recycling rates and tonnage volumes we have to know what is in the waste stream.

4. We also need to keep in mind the markets for recycled materials. Since recyclables are commodities their value goes up and down depending on supply and demand. Thus, the program should have more of a five or ten- year cycle, not just annual, and revenues from sale of recyclable paper and other materials should be adjusted accordingly.
5. We support school recycling but are unclear if the bills provide enough of a structure for successful implementation. How will it work and will there be a reporting requirement to ensure the success of school recycling?
6. The bills only provide a requirement that the Dept. of Sanitation picks up leaf and yard waste from NYCHA buildings. Historically, recycling has been challenging in NYCHA buildings due to limited space for recycling bins on each floor. We recommend that the bills also call for easier access to recycling bins in NYCHA buildings.
7. We recommend an annual reporting requirement on recycling percentages so that different agencies can address recycling rates that do not meet the required targets.

## Conclusion

In sum, we want to thank the Council and Speaker Quinn for introducing this package of bills and we urge the Bloomberg administration to sign the legislation once passed.



NATURAL RESOURCES DEFENSE COUNCIL

**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL ("NRDC")**

**BEFORE THE NEW YORK CITY COUNCIL'S**

**COMMITTEE ON SANITATION & SOLID WASTE MANAGEMENT**

**RE: PROPOSED LEGISLATION TO REFORM RECYCLING LAW IN NYC**

**April 26, 2010**

Good afternoon, Madam Chairwoman and members of the Committee. Congratulations to you and best wishes from all of us at the Natural Resources Defense Council ("NRDC") on your assuming the chair of this important committee. We look forward to working with you in the weeks and months to come on the critical issues of recycling, implementation of the city's 2006 Solid Waste Management Plan and the numerous other waste-related issues that affect the lives of all New Yorkers.

My name is Eric A. Goldstein and I am a senior attorney and New York City Environment Director at NRDC. NRDC is a national, non-profit legal and scientific organization with over 1 million members and activists around the country. For 40 years we have had a strong focus on environmental issues in urban centers in general and New York City in particular. We were intensely involved in efforts to enact and enforce New York City's landmark recycling statute -- Local Law 19 of 1989 -- and have followed this issue closely ever since. We appreciate this opportunity to appear before your committee and share with you and your colleagues our preliminary thoughts on the proposed eleven bills, recently announced by Speaker Chris Quinn, you and several of your colleagues earlier this month.

In short, NRDC strongly supports the proposed legislative enactments. Of course, we believe there are several places where the proposed bills could be stronger. But on the whole, this is a sensible and much-needed series of reforms to one of the city's most important environmental laws. NRDC is convinced that if all eleven statutes are enacted and aggressively implemented, they will significantly help to recharge and reenergize the city's recycling program and help to insure that it truly becomes the cornerstone of city waste policy in the 21<sup>st</sup> century. These bills, if advanced together, are likely to launch the most comprehensive reform of the city's recycling program in more than 20 decades.

As you have already noted, the scope of the proposed legislation is broad. The new bills would, among other things, require the Sanitation Department to collect rigid plastics for recycling; improve recycling at the 1,200 city public schools and at city agencies, expand the successful public space recycling program by requiring additional receptacles at park entrances and transit hubs; add new opportunities for clothing and textile recycling; expand household hazardous waste collections in all five boroughs; establish a new pilot program to test the idea of recycling used paint at retail outlets; extend and strengthen the program for leaf and yard waste composting; improve public education and outreach regarding recycling requirements in residential buildings; enhance enforcement for repeat violators; complete a long-delayed study regarding commercial recycling; and replaces the tonnage mandates of Local Law 19 with annual recycling goals.

Rather than go into detail on these bills in this testimony, I will instead highlight three simple points today. NRDC will also be submitting additional written testimony that will go into the specifics of the proposed legislation in coming weeks.

First, it makes perfect sense for the City Council, which has played a strong role in shaping public policy on solid waste matters in this city for decades, to take the lead in enhancing and improving New York's existing recycling program. Of course, the best thing New Yorkers could do regarding solid waste is to make careful purchasing decisions, buy more durable products, and acquire less junk. But for the trash that we do generate, recycling is far preferable to the alternatives from an environmental standpoint. As the U.S. Environmental Protection Agency has demonstrated, recycling paper, metals, glass, plastic, textiles, household hazardous wastes produce less air pollution, consume less water, conserve natural resources and biological diversity and reduce global warming emissions, in comparison producing such materials from virgin resources. And recycling has few adverse environmental consequences than either landfilling or incineration.

Second, recycling also makes economic sense for New York City. From an economic standpoint, recycling has now become cost-competitive with out of state export to landfills and incinerators. And according to the 2008 study performed by DSM Environmental Services for NRDC, the costs to the city of recycling (\$284 a ton) and of landfilling (\$267 a ton) were within 6% of one another. And the DSM analysis projected that within five or six years, as export prices continue to rise and more people participate in the city's recycling program, recycling will actually become more cost-effective than landfilling or incineration for city taxpayers. In addition, recycling produces more jobs per ton of waste than either landfilling or incineration and there remains significant untapped potential for a revitalized recycling program to create several thousand blue collar jobs for New Yorkers.

Finally, this legislative package comes just in the nick of time. New York City's residential recycling program is on the ropes. As cities around the nation have boosted recycling operations in recent years, New York City's effort has actually lost steam. After reaching a 22% residential recycling rate in 2000, New York City recycling has declined to a current level of about 16%. The temporary suspension of glass and plastic recycling in the early part of this decade is largely responsible for the fall off. But public opinion polls show that New Yorkers strongly desire to have additional recycling opportunities, and that they prefer this disposal route to incineration and landfilling. The pragmatic set of legislative proposals is needed to help reverse the disturbing fall of in recycling collections here in New York City.

We were pleased to learn that the Bloomberg Administration is making solid waste a topic for significant attention in the next version of its PlanYC. And we look forward to working with the administration on that effort. Certainly, these 11 bills do not represent the universe of everything that can be done to enhance recycling and our waste disposal system in New York. But they are a strong first-stage from which to build. We urge the Council to move this legislative package swiftly, and after reviewing the detailed comments of the Administration, NRDC and others, to enact all eleven bills at the same time. The prospect of future proposals from the Administration does not take away from the strength of these bills or the widespread benefits they should bring to enhance our city's environment and over time reduce the costs of our ever-growing Sanitation Department budget.

We look forward to working with you Madam Chairwoman as the Council moves ahead with this vital legislation. Thank you very much.

## City Council Committee on Sanitation and Solid Waste Management

### Testimony regarding Recycling-Related Intros

Monday, April 26, 2010

Good afternoon, Chairperson James and Members of the Committee on Sanitation and Solid Waste Management.

My name is **Kendall Christiansen**; I am pleased and honored to have been part of the working group facilitated by Eric Goldstein of NRDC that has been discussing updates to the City's landmark Mandatory Recycling Law (LL19 of 1989) over the past eighteen months, and to have worked closely with Council staff and the Administration in the development of this package of proposals. I was invited to participate because of my 20-year background and continuing work in the field; I was a founding assistant director of the Department of Sanitation's Recycling Office, have worked in and around the field locally and nationally for many years, and for more than five years chaired the **Citywide Recycling Advisory Board**, a required element of the law – which I hope will be reconstituted and revitalized for meaningful citizen participation as a consequence of your work.

At present, through my consulting practice **Gaia Strategies** I devote most of my time to serving as senior consultant on environmental issues for **InSinkErator**, the world's leading manufacturer of food waste disposers (aka garbage disposals) for both homes and food service establishments; in that role, I attend numerous recycling-related conferences, have built relationships with state, local and industry leaders across the country, and am actively engaged across North America in dynamic discussions of the challenge of managing food scraps – especially how best to convert what used to be a "waste" into a resource – to return the organics to soil, the embedded water to rivers, and capture its potential as a renewable source of energy.

I expect to submit more detailed comments to the Committee, but for today's hearing offer the following outline for the Committee's consideration:

I was recently asked about "first principles" of why and how we recycle, and looked back at a document I wrote for the CRAB more than a dozen years ago entitled "five points for progress." Some of what follows was included in that discussion:

1. **Words Matter:** it's long past time to stop referring to the "recycling program" and talk about recycling as an integrated component of the city's overall system for managing solid waste, which the City decided in 1989 to develop. As a non-discretionary element of a larger system, we can then drop the concern that every element be as cheap as the cheapest part, and tolerate that other goals – including environmental ones – can be accommodated as part of the overall system.

2. **Economics Matter:** in this case, I'm referring to economic incentives that promote recycling (beyond the "stick" of enforcement). What's still missing from the package of intros are two concepts that have proven successful in other communities at boosting recycling rates: the first is known as "pay as you throw," or "quantity-based user-fee" – which shifts from a general revenue basis for "free" waste generation and collection to one that directly charges generators for how much waste they generate (usually with recycling offered for free or less cost than non-recycled waste).

The second is an incentive-based program conceived by a New York-based start-up called **RecycleBank** that offers coupons from national and local retailers to residents for improving their recycling participation; RecycleBank now operates in dozens of communities, and may hold some promise for application in New York. In both case, consideration of such economic incentive programs may require thinking about ideas that work best in certain parts of the city, rather than all – but it's OK to move away from a 'one-size fits all' notion of how we should design our overall system.

3. **Diversion Matters:** Although one intro offers two means of goal-setting and accountability for the City, it may be worth considering another option now being adopted by other cities that simplifies the accounting challenge to **track total diversion from disposal** (e.g., both landfilling and incineration). Our system for managing wastes has an increasing number of components that are difficult to adequately track and quantify – take-back systems for beverage containers, plastic bags, used clothing, electronics, etc. At the same time, total waste generation is declining – due to a host of economic and other factors – which also has resulted in uncertain shifts to how much is being recycled under our current system. It might be simpler to set a benchmark for what the city currently disposes of, and then set targets that steadily ratchet-down the amount of waste landfilled or incinerated by 3% to 5% per year.
4. **Collection Matters:** This discussion may be the most controversial to put on the table, but it is nonetheless essential to a full and reasoned discussion of the city's waste and recycling system. In simple terms, it's time to reevaluate and restructure the city's collection system with the goal of modernizing the frequency of collection service to take into account both the overall reduction in total waste generated, as well as the amount diverted via recycling. Together, those two factors combine to reduce the amount of refuse collected for disposal by approximately 20%, yet neighborhoods like mine in Brooklyn still receive three refuse collections each week, when two would easily suffice. In recent years, dozens of cities have reduced the frequency of waste collections while establishing the collection of recyclables as a core element of their system; Baltimore is just one example – last year it shifted to once per week collection of recyclables and once per week collection of refuse.



The last time New York adjusted its collection frequency was during the last fiscal crisis of the 1970's when frequency was reduced from daily to fewer times per week; when the recycling system was added in 1989, recycling collections were added, but never substituted (with one exception, in BK6).

The Council should work with the Mayor, and perhaps the IBO, to establish a process by which collection frequency can be carefully analyzed and a set of proposals brought back to the Council for consideration.

5. **Markets Matter:** Two of the significant contributions of the Citywide Recycling Advisory Board were related to compelling consideration of the market-related opportunities associated with the city's collection of thousands of tons of raw materials. In 1993, following adoption of the 1992 Solid Waste Management Plan, the Board encouraged Mayor Dinkins to convene a "recycling works" task force and a report that outlined the potential for using the city's raw materials as a feedstock for industry; that initiative laid the groundwork for the development of the Visy paper mill on Staten Island.

In 2002, following Mayor Bloomberg's decision to suspend collection of plastic and glass containers, the Board and others convened a "recycling roundtable" that encouraged a long-term contract that would ensure development of a state-of-the-art recyclables processing facility (or MRF). That contract will stabilize the city's costs for handling those materials, enable it to target additional materials (e.g., mixed plastics), and create the opportunity to develop long-term market-based feedstock supply arrangements with manufactures capable of using those materials – some of whom might even be attracted to the city. All of those benefits and opportunities are significant improvements to our overall system.

6. **Organics Matter:** Many other cities undertaking significant efforts to revitalize recycling systems and increase diversion are finding ways to tackle organic wastes; the Department's waste characterization study found that @ 15% of what we dispose is food waste, with another significant fraction potentially compostable. Apart from that material being wasted for its potential beneficial use as fertilizer products and a source of renewable energy, the simple fact is that food waste is mostly water (70% or more), which means we're paying \$100/ton to ship water to distant landfills. This is an extremely complex topic that is the focus of the State's draft solid waste management plan; it offers many challenges that require an array of solutions, and it might even require some inter-agency cooperation with DEP, for example. I look forward to sharing my extensive experience and knowledge on this topic with the Committee and staff.

7. **Manufacturers Matter:** one of the more interesting conceptual developments in recent years has been the advance of so-called *product stewardship*, or *extended producer responsibility* initiatives – that either compel or invite the participation of product manufacturers in the collection and re-processing of certain materials. These initiatives target an array of products, including tires, used motor oil, certain kinds of batteries, beverage containers, and now plastic bags, electronics and potentially carpets.

This set of intros begins that conversation about paint; to its credit the paint manufacturing industry has stepped up to address the challenge of unused paint. What's proposed is a modest voluntary initiative, but it's worth pointing out that so-called "framework" legislation is being adopted in various states (e.g., Maine) that can be applied to many types of products without significant modification, thereby minimizing the need to negotiate each material separately. The Sanitation Department is participating in such discussions in New York state, and the Council should consider asking the Department for a report on such initiatives, and its recommendation on their adoption by the City.

8. **Design Makes a Difference, and Waste = Food:** I recently re-heard one of the world's great visionaries in the field of sustainability – the architect and designer William McDonough – at RPA's annual regional assembly. He reminds us two essential "first principles" that should guide the Council's deliberation on this package and possible additions to it:

The first is that **design makes a difference:** we should be designing our waste management system in a way that supports and achieves our values of stewardship of raw materials that are not "wastes" just because they've been used, rather than succumbs to the lowest common denominator of truck-based collection, disposal or incineration. In our case, that might mean some system re-design – so as to test some of the economic incentive-based ideas, or collection frequency adjustments – suggested earlier in my testimony.

The second is that **waste = food**, in two ways: food for biological processes, like for fertilizer production and renewable energy from our wastes that are organically-based; and food for technological processes, like those that return plastic bottles or glass cullet or wastewerperp or carpets to be remanufactured into new products without requiring the extraction of new raw materials.

As you consider this important set of proposals, I hope that you will keep these "first principles" in mind.

Thank you for your consideration, and the opportunity to contribute to this process.

**New York City Council**  
**Intro No. 147, 148, 156, 158, 164, 165**

Testimony by  
Thomas Outerbridge, General Manager  
Sims Municipal Recycling of New York LLC  
April 24, 2010  
6

Members of the City Council:

Good afternoon. Thank you for the opportunity to testify today. My name is Thomas Outerbridge and I am General Manager of Sims Municipal Recycling. As you may know, our company has a contract with the NYC Department of Sanitation (DSNY) to receive, process and market all of the metal, glass and plastic (MGP) collected citywide through the curbside recycling program. We have provided this service since 2002, and in 2009 we executed a contract with DSNY to continue in this role for the next 20 years. We also signed a lease with the NYC Economic Development Corporation for the 30<sup>th</sup> Street Pier in Sunset Park, Brooklyn, where we are building a major new facility to serve the recycling program. We have a strong and abiding interest in the success of recycling in New York City.

I would like to acknowledge the City Council's consistent and long standing support for the recycling program. New York may not have yet achieved the recycling rates many would like to see, but recycling has finally become an integral part of how we manage the waste stream.

Regarding the bills being discussed today, my principal comments pertain to Intro 148 and the expansion of the types of plastics included in the curbside program. Additionally, I would like to comment on some of the other measures under consideration.

There are a number of measures to improve recycling incentives and education for schools, city agencies, building managers and the public. Generally speaking, we are in complete support of efforts to improve participation. We do not want to see any recyclable material disposed of as trash, just as we would prefer to keep the non-recyclable materials we receive to a minimum. We are building an education center at the new Sunset Park facility, and we look forward to working with the Council, DSNY, the Office of Recycling Outreach and Education and in particular the Department of Education, in using this facility to its best effect, especially with the City's youngest and future recyclers.

With all that said, we are sensitive to the potential for some of the proposed measures to increase the level of contamination (non-recyclables) in the material we receive. One such measure is the extensive new Public Space Recycling called for in Intro 158. We fully support expanding opportunities for people to recycle when they are away from home or the work place. **Nevertheless, we would like to ensure such efforts are accompanied by adequate education, planning, monitoring and adjustment as needed so that the materials we receive through this program do not contain elevated levels of non-recyclables or trash.**

There is one provision in Intro 147 that is of potential concern. This is the incentive to place trash out for collection in clear bags (Section 16-324). I understand this will allow for easier inspection to determine if residents are properly sorting their recyclables. The concern is that to the untrained eye, MGP may not always appear especially distinct from unsorted trash. The distinction will become even less apparent as the range of materials included in the MGP stream expands, as envisioned by Intro 148. Recyclables are typically collected on the same day as trash. City sidewalks can be congested, with multiple people placing material at the curb and multiple buildings sharing the curb. Combined with the limited time and opportunity that collection crews have to determine which bags go in which trucks, there is the possibility that without the current distinction between black and clear bags, we will see increased cross-contamination between MGP and trash. **So while we appreciate the motivation, the actual impact of this provision is something we would like to monitor with the City.**

Related to this is the fact that it is particularly difficult to distinguish MGP from trash when materials are placed inside of bags inside of bags. It can become literally impossible to see the contents, even if the exterior bag is clear. Not only does this practice make it difficult to identify MGP, it makes it more costly to process because all these bags must be opened, and it increases the amount of material that must be sent to landfill. When plastic bags (or what we call "film plastic") are collected through source separation programs such as the retail take-back requirements the City recently enacted, the material is generally clean and dry and is a desirable product in a number of recycling markets. Whereas film plastic is contaminated when it is collected with MGP, and often ends up as residue. **Thus, we would encourage the City to consider restricting the use of bags inside of bags as it updates its regulations regarding how residents and building managers must place recyclables out for collection.**

Before commenting on Intro 148, I would like to note that our parent company, Sims Metal Management, is involved in plastics recycling on a substantial scale globally. We are the largest recycler of scrap metal and electronic scrap in the world, and recover tens of millions of pounds of plastics used in computer housing, printers, cell phones and appliances such as refrigerators. We have significant investments in processing facilities, monitor new technologies constantly, and market large volumes of a wide range of resins to customers around the world. Our business involves fluctuations in commodity markets and changes in consumer products. However, there is no precedent for a curbside recycling program the size of New York's to expand to include the types and quantities of plastics called for in Intro 148. As a result, while Intro 148 can be seen as a progressive and bold move, it also raises a number of questions for us.

**When we look at the types and quantities of plastics we might receive through this expansion, we have concerns about the cost and viability of processing this material, and about the breadth and soundness of the markets after processing. These concerns apply not just to the new materials we will receive, but to the impact those new materials will have on the plastics we currently receive.**

I will provide one example of one set of issues we face. Although the number and three-arrow system used to identify plastics would lead one to believe there are just seven kinds of plastic, there are actually hundreds of types of plastic. Within #1 PET there is what is called thermoform or "sheet" PET (cups, "clamshells", "blister pack") and bottle PET. Sheet PET and bottle PET

are different formulations of PET that melt at different temperatures, which creates problems down the recycling chain with our customers when they convert PET into new bottles, fiber or other products. Furthermore, the best sorting technology today cannot distinguish between sheet PET and bottle PET. As a result, we can have an optical sorter that effectively separates PET from other polymers, but the bottle PET will be contaminated unless we manually remove the sheet PET. Even then, we are left with poorly established markets for the separated sheet PET.

We could talk about #2 milk crates, which have different properties and markets than #2 milk jugs, which are different than #2 yogurt cups. There are many additives, of varying degrees of compatibility, which are used to make a polymer suitable for micro-waving vs. freezing vs. any number of properties one is looking to provide. There are "biodegradable" plastics that are increasingly popular as a "green" alternative, but are generating significant concerns in the plastic recycling industry about their impact if and when they are mixed with other plastics. And, although the City's recycling program receives its share of criticism, my observation is that many New Yorkers are enthusiastic recyclers and I expect that many will take a broad interpretation of the new rules and we will see more suitcases, vacuum cleaners and other wholly or partially "rigid plastic containers" not envisioned in Intro 148.

Finally, I would point out that at the same time the City is looking to add materials with uncertain processing costs and markets, we are experiencing increased diversion of materials from the MGP stream for which we do have processing equipment and for which there are strong markets. The expansion of the bottle bill is diverting more PET bottles and aluminum cans, and there has been a measurable reduction in the metal we receive. The latter may be due in part to a slower economy, but it is also easy to see the extensive scavenging of metal that is occurring at the curb. While a significant part of what we do is provide facilities where DSNY can dump the City's recyclables, we are first and foremost in the commodity business and the composition and quantity of the materials we receive is of utmost importance.

Broadly speaking, these are some of the concerns we have as the City looks to expand the array of plastics included in the recycling program. I hope my remarks have not been discouraging as that is not my intent. But I do think it is important for people to understand this is a complex and multi-faceted undertaking. As a company, we work to stay at the forefront of the recycling industry, and as a partner with the City of New York, we are eager to see this city at the forefront with its own recycling program. To that end, we look forward to working with the Council and the DSNY to address the challenges associated with increased plastics recycling.

I would like to conclude by again acknowledging our appreciation for the City Council's ongoing involvement in recycling, and to reiterate our interest in working with all parties to ensure a growing and thriving recycling program in New York City.

Thank you again for the opportunity to testify today.

**New York City Council**  
**Intro No. 147, 148, 156, 158, 164, 165**

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Related to this is the fact that it is particularly difficult to distinguish MGP from trash when materials are placed inside of bags inside of bags. It can become literally impossible to see the contents, even if the exterior bag is clear. Not only does this practice make it difficult to identify MGP, it makes it more costly to process because all these bags must be opened, and it increases the amount of material that must be sent to landfill. When plastic bags (or what we call “film plastic”) are collected through source separation programs such as the retail take-back requirements the City recently enacted, the material is generally clean and dry and is a desirable product in a number of recycling markets. Whereas film plastic is contaminated when it is collected with MGP, and often ends up as residue. **Thus, we would encourage the City to consider restricting the use of bags inside of bags as it updates its regulations regarding how residents and building managers must place recyclables out for collection.**

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**When we look at the types and quantities of plastics we might receive through this expansion, we have concerns about the cost and viability of processing this material, and about the breadth and soundness of the markets after processing. These concerns apply not just to the new materials we will receive, but to the impact those new materials will have on the plastics we currently receive.**

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Finally, I would point out that at the same time the City is looking to add materials with uncertain processing costs and markets, we are experiencing increased diversion of materials from the MGP stream for which we do have processing equipment and for which there are strong markets. The expansion of the bottle bill is diverting more PET bottles and aluminum cans, and there has been a measurable reduction in the metal we receive. The latter may be due in part to a slower economy, but it is also easy to see the extensive scavenging of metal that is occurring at the curb. While a significant part of what we do is provide facilities where DSNY can dump the City's recyclables, we are first and foremost in the commodity business and the composition and quantity of the materials we receive is of utmost importance.

Broadly speaking, these are some of the concerns we have as the City looks to expand the array of plastics included in the recycling program. I hope my remarks have not been discouraging as that is not my intent. But I do think it is important for people to understand this is a complex and multi-faceted undertaking. As a company, we work to stay at the forefront of the recycling industry, and as a partner with the City of New York, we are eager to see this city at the forefront with its own recycling program. To that end, we look forward to working with the Council and the DSNY to address the challenges associated with increased plastics recycling.

I would like to conclude by again acknowledging our appreciation for the City Council's ongoing involvement in recycling, and to reiterate our interest in working with all parties to ensure a growing and thriving recycling program in New York City.

Thank you again for the opportunity to testify today.





**City Council Committee on Sanitation and  
Solid Waste Management  
Public Hearing regarding Intro 148  
Designation for Recycling of Rigid  
Plastic Containers**

**City Hall  
New York  
April 26, 2010**

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Good afternoon Chairperson James and Committee Members. My name is Keith Christman and I am the Managing Director of Plastic Markets for the American Chemistry Council. The American Chemistry Council (ACC) is a national trade association representing the plastics industry in New York and around the country. ACC strongly supports this effort to expand recycling to rigid plastic containers, which builds upon NYC's successful retailer plastic bag take-back program in 2008, and which will help to reduce the amount of material that goes to landfills. ACC welcomes the leadership role New York City is taking in expanding their recycling efforts and appreciates this opportunity to appear before the Committee and to share our support of the expansion of New York City's recycling program. Accordingly, my remarks will focus on the environmental benefits of recycling plastics, the creation of green jobs, and the benefits of increasing the collection of rigid plastic containers.

**ACC strongly supports the inclusion of rigid plastic containers in NYC's program**

Expanding recycling to rigid plastics will provide important environmental benefits. In fact, ACC recently completed a study<sup>1</sup> that confirms that recycling plastics saves energy and reduces greenhouse gas emissions. The study found that the amount of energy saved by recycling plastic containers in 2008 is equivalent to the annual energy use of more than 750,000 U.S. homes. The corresponding savings in greenhouse gas emissions is approximately 2.1 million tons of CO<sub>2</sub> equivalents, an amount comparable to taking more than 360,000 cars off the road.

Recycling plastic also creates new "green" jobs. Recycling has consistently been shown to create more jobs—at higher income levels—than disposal.<sup>2</sup> According to one study, 93 jobs are created for every 20 million pounds of plastic recycled. This data points to a significant employment opportunity that may result from expanding recycling to all rigid plastic containers. After this program expansion, New York City's plastic collection should increase by 40 to 90 million

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<sup>1</sup> "Final Report – Life Cycle Inventory of 100% Postconsumer HDPE and PET Recycled Resin from Postconsumer Containers and Packaging," April 2010, conducted by Franklin Associates Ltd., jointly sponsored by the American Chemistry Council, the Association of Postconsumer Plastic Recyclers, the National Association of PET Container Resources and the PET Resin Association.

<sup>2</sup> "Recycling and Economic Development A Review of Existing Literature on Job Creation, Capital Investment, and Tax Revenues, April 2009 Cascadia Consulting Group literature review sponsored by King County Solid Waste Division's LinkUp program.

pounds.

### **Adding New York City to rigid collection will dramatically increase national trend**

By New York City taking a leading role in recycling expansion, NYC will reinforce and add important momentum to the strong growth in rigid recycling. In 2008 the recycling of non-bottle rigid plastics increased 11 percent from 2007, reaching 361 million pounds nationwide<sup>3</sup>. Today over 63 percent of California residents can recycle rigid containers curbside and communities around the country are adding these valuable materials to their recycling bins. Approximately, 1/3<sup>rd</sup> of the largest communities in US collect rigids for recycling including Los Angeles, Seattle, Dallas, and Boston. The American Chemistry Council has worked with Los Angeles, Philadelphia, and several towns within Florida, North Carolina and California to assist them in expanding their recycling infrastructure. Including New York City to this growing list of communities will add an important role model to the remaining communities around the country.

We also expect that expanding the types of plastic that can be recycled, will increase the recycling of other plastics including bottles. Adding types of containers makes recycling easier for families and has been shown to increase participation rates.

Through this effort New York City has an opportunity to expand on its recycling leadership demonstrated through the 2008 plastic bag recycling law. Following New York City's enactment of the bag recycling law, other cities and states have adopted bag recycling. ACC was delighted to work with New York City on the plastic bag and film recycling law and provide educational materials and bin signage. NYC's effort contributed to the nation-wide collection of over 832 million pounds of bags and film that were recycled in 2008, an increase of more than 28 percent since 2005<sup>4</sup>. NYC's effort has also positively impacted the continually growing recycling rate of polyethylene bag and film recycling, which EPA now reports is at 13 percent.

### **ACC supports the increased education on this new recycling opportunity**

The legislation and other measures discussed today also call for education to accompany the expansion of recycling to rigid plastics. This education will help make this expansion successful and is very important. The American Chemistry Council strongly supports expanded education on recycling, and has crafted online and print literature and signage for plastic bag and all-bottle recycling education. In addition, ACC has worked with partners like Keep California Beautiful and California State Department of Parks and Recreation to place over 700 recycling bins on beaches and other public spaces in California since 2008. Organizations and interested citizens can visit the following web sites to learn more and request available educational materials:

<http://www.plasticbagfacts.org/>, <http://plasticbagrecycling.org/plasticbag/index.html>, and <http://www.allplasticbottles.org/stats.asp>.

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<sup>3</sup> "2008 National Postconsumer Report on Non-Bottle Rigid Plastic Recycling," March 2010, conducted by Moore Recycling Associates, sponsored by the American Chemistry Council.

<sup>4</sup> "2008 National Postconsumer Recycled Plastic Bag and Film Report," March 2010, conducted by Moore Recycling Associates, sponsored by the American Chemistry Council.

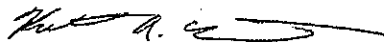
Additionally, ACC supports and contributes funding towards third party educational resources. To learn more, visit: [www.earth911.com](http://www.earth911.com), and [www.plasticsmarkets.org](http://www.plasticsmarkets.org).

**ACC encourages public input on cost-effectiveness of collecting rigid containers**

The proposed legislation gives the Commissioner the ability to determine that the cost to the city of recycling one or more types of rigid plastic containers is not reasonable in comparison with the cost of collecting existing designated materials. In addition to documentation that the Commissioner must provide to the council on the factors that justified such a determination, ACC suggests that a public hearing and/or ability for representatives to provide input might be helpful in identifying ways to make the collection of such materials more profitable to the city. We expect that there may be some growing pains as collection of these materials are expanded and would welcome the opportunity to work with officials to overcome these growing pains and help make the program more profitable. We do expect that any growing pains can be overcome. Data from Moore Recycling over the last four years indicates that pound for pound mixed rigid plastic are more valuable to recyclers than cardboard. Therefore, we expect recycling of rigid plastics to be cost-effective compared to other materials. Furthermore, we expect the cost-effectiveness to improve with experience. Although the domestic infrastructure for recycling rigid containers is growing, accepting rigid plastics into NYC's recycling program will greatly boost the amount of plastic available for recycling. This boost will also demonstrate to recyclers that sufficient material exists to justify investment in processing which will lead to higher prices for rigid plastics over time.

The ACC respectfully requests that you support **Intro 148**,

Thank you for your time and consideration of our position and the information we have provided to you today.



Keith A. Christman  
Managing Director  
Plastic Markets  
American Chemistry Council

# MOORE

RECYCLING ASSOCIATES INC.

FOR THE RECORD

*Recycling Implementation Specialists*

City Council Committee on Sanitation and  
Solid Waste Management  
Public Hearing regarding Intro INT. NO. 141, 142, 147, 148, 156, 157, 158, 162, 164, 165, 171

City Hall

New York

April 26, 2010

Chairperson James and Committee Members: I have nearly 30 years of active involvement in the recycling industry<sup>1</sup>, most of it focusing specifically on plastics recycling. Please accept my support of the omnibus legislation Int. No 164: especially the expansion of plastics recycling collection found in Int. No. 148.

**Moore Recycling Associates Inc supports Int. No. 148: the expansion of plastics recycling in NYC to include rigid plastic containers for many reasons:**

- 1) Recycling plastic creates jobs. According to the Institute for Local Self Reliance, 93 jobs are created for every 20 million pounds of plastic recycled. Expanding to all rigid plastic containers should increase New York City's plastic collection by up to 96 million pounds.
- 2) Expanding the types of plastic that can be recycled will increase plastic volumes and participation not only for the newly added materials but also for the materials you already collect. This has been shown to be in the case in communities across the country that collect all rigid containers. Most communities in California (63% of the population) already have access to curbside recycling of all plastic containers.
- 3) Successful plastic recycling requires four components (in general order of requirement): A significant volume of raw material, technology to process that material, viable end markets and investment. NYC expansion will help increase volume of collected plastics significantly, thus spurring additional technologies, end markets and investment.
- 4) The public wants to recycle more plastic, and manufacturers want to use more postconsumer plastic content. Though the infrastructure is still growing, accepting rigid plastics into NYC's recycling program will greatly boost the amount of plastic available for recycling and the price for rigid plastics will increase over time with increased infrastructure and consumer demand.
- 5) A recently completed study<sup>2</sup> confirms that using recycled plastic reduces energy and greenhouse gas emissions.

**We are concerned about the one aspect of Int. no. 148: the ability of the Commissioner to unilaterally determine that the cost to the city of recycling one or more types of rigid plastic containers is not reasonable in comparison with the cost of collection existing**

<sup>1</sup> For background on Patricia Moore and Moore Recycling Associates please go to [MooreRecycling.com](http://MooreRecycling.com)

<sup>2</sup> "Final Report – Life Cycle Inventory of 100% Postconsumer HDPE and PET Recycled Resin from Postconsumer Containers and Packaging," April 2010, conducted by Franklin Associates Ltd., jointly sponsored by the American Chemistry Council, the Association of Postconsumer Plastic Recyclers, the National Association of PET Container Resources and the PET Resin Association.

**MOORE**  
RECYCLING ASSOCIATES INC.  
*Recycling Implementation Specialists*

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# MOORE

## RECYCLING ASSOCIATES INC.

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*Recycling Implementation Specialists*

designated materials. While the Commissioner must provide documentation to the council of the factors that justified such a determination, there is no public hearing or ability for interested parties to provide input or to mitigate. We respectfully request such an opportunity.

Moore Recycling Associates supports the increased opportunity to recycle at multi-family dwellings [Int. No. 147], schools [Int. No. 165], City buildings [Int. No. 156], and public spaces [Int. No. 158]. All of these increased opportunities will increase the amount of material collected for recycling and the away from home opportunities reinforce at home behavior.

We support the increased education at multi-family dwellings, on web sites, and in schools [Int. Nos. 147, 165]. Recycling public education and outreach has proven effective in study after study, to increase the amount of material collected for recycling.

We support setting and reviewing recycling goals, conducting a recycling and composting economic development study, and initiating a waste characterization study [Int. No. 164], all of which will help guide effective public policy.

Accordingly, I respectfully request that you support Int. Nos. 147, 148, 156, 158, 164, 165, but especially 148.

Thank you for your time and consideration of my position.

Respectfully submitted,

Patricia Moore

President,

Moore Recycling Associates Inc

Sonoma, CA 95476

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Committee on Sanitation and Solid Waste Management Hearing  
Monday, April 26, 2010 at 1:00 p.m.  
Council Chambers, City Hall  
New York, NY

**Information submitted by Converted Organics Inc. regarding:**

**Int. No. 0171-** A Local Law to amend the administrative code of the city of New York, in relation to the composting of food waste.

Submitted by:

Jack Walsdorf  
Vice President for Waste Management  
Converted Organics Inc.  
[www.convertedorganics.com](http://www.convertedorganics.com)  
[jwalsdorf@convertedorganics.com](mailto:jwalsdorf@convertedorganics.com)

Amendment / Subdivision i & j:

Converted Organics encourages the City of New York in expanding the diversion of compostable waste from the city's waste stream.

Our enthusiasm for the proposed amendment is easy to understand. Converted Organics was formed to convert food waste into organic fertilizers for retail lawn & garden, professional turf, and agriculture markets. Converted Organics is in two businesses.

- Perpetual urban landfill for source separated food waste and
- Producer of natural and organic fertilizers from the recycled food waste.

Converted Organics Inc.  
75 Crows Mill Road Keasbey, New Jersey 08832  
Mailing Address  
P. O. Box 206 Keasbey, New Jersey 08832-0206  
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The diversion of food waste from the traditional disposal methods of incineration and land filling is a very important objective.

- When land-filled, food waste decomposes to produce methane gas. Methane gas is 20x more destructive than CO<sub>2</sub> as greenhouse gas.
- Diversion of food waste from landfills will likely generate greenhouse gas credits.

We believe food waste is an asset; not a liability. Converted Organics currently operates a facility in Woodbridge, New Jersey. We are a disposal site receiving source separated food waste from many diverse businesses in New York City. These establishments include restaurants, hotels and sports stadiums.

We do not own any trucks but work closely with licensed haulers in the City. There are a number of progressive waste management firms currently collecting food waste and making deliveries to our facility in New Jersey. We are approximately 21 miles from City Hall.

Our permit allows for the processing of 500 tons of source separated food waste per day. Our operational capacity is less but expansion at our site is possible.

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Our technology is High Temperature Liquid Composting (HTLC). HTLC converts food waste into valuable, all-natural, organic fertilizers. We use naturally occurring thermophiles (heat loving bacteria) which rapidly digest, pasteurize and convert food waste into fertilizer in an aerobic setting. HTLC is a proven technology successfully operated for more than 10 years. HTLC is owned by Converted Organics.

We produce liquid and granular products. Our natural and organic fertilizers are unique. They are safe and excellent for use at schools and parks. They do not contain any:

- Synthetic chemicals
- Animal manures
- Bio-solids or human waste.

We believe HTLC is the best technology for the beneficial disposal of food waste. A facility close to the source of the waste will further help to reduce greenhouse gases when reduced truck travel is considered. Use of recycled products results in green, lush lawns because it is made from recycled plant matter, which contains all of the key nutrients.

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In conclusion, Converted Organics would urge the amendments be accepted. By diverting food waste from landfills where it decomposes to produce methane gas, you will help to reduce greenhouse gases and the use of recycled products will further improve the environment.

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**TESTIMONY IN FAVOR OF AMENDING THE NYC RECYCLING LAW PRESENTED TO THE  
NEW YORK CITY COUNCIL**

4/26/10

It is with great pleasure that I welcome the meaningful expansion of Local Law 19 being discussed today. These amendments, when adopted will not only change the way we handle our substantial solid waste, but will also let other locales know that we are serious about reducing what we send to their landfills or incinerators.

As an appointed member of the Manhattan Citizens Solid Waste Advisory Board [MCSWAB] and the Citywide Recycling Advisory Board [CRAB] I served for 19 1/2 years. During those active periods we contributed to the inception and passing of Local Law 19. Subsequently, we suggested numerous additions and increases. Many of those are now incorporated in these amendments. This step in the right direction has been a long time in coming. Over the years we have witnessed the outlawing of incinerators, the closing of Freshkills, the suspension of recycling, the resumption of recycling, various waste stream composition studies, revised Solid Waste Management Plans, the beginnings of composting, the promotion of electronics recycling, school education programs and the establishment of the currently renamed Trade Waste Commission. Today the amendments intruced here are a natural evolution of these events and more.

As I read the Intros there were a few random thoughts I would like to share. First among them relates to the current process of writing a new Solid Waste Act for New York State. There is a possibility that the percentages for recycling and the timetable involved will not be in compliance with the requirements of NYS. That amendment might need a method of revision. Another thought was regarding commercial carter's reports. There has always been a problem of enforcement and authentication connected with them. I did not notice acknowledgement or solution in the Intro. Public recycling bins are a marvelous addition. We must keep in mind the problem of overflowing litter baskets in many areas and think in terms of Big Belly Compacting receptacles. As to hazardous waste, drop off centers must be more accessible. Unless they are in neighborhoods everywhere, there should be designated pick up days substituted for regular trash pick ups. Finally, the institution of cloth recycling, while most commendable does not distinguish that which can be donated to a not-for-profit and that which is clearly at the end of its life.

Much of my focus over the years has been on the top of the solid waste heirarchy, WASTE PREVENTION. It occured to me that as part of the education program, encouragement might be given to large apartment buildings to set up "Swap Shops" in their central spaces. Book exchanges already exist in some laundry rooms. This could be expanded into including clothing, furniture and small appliances. One person's junk may be someone else's treasure.

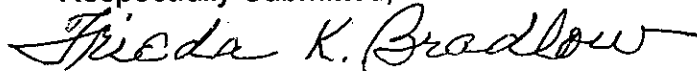
Expansion of composting is truly exciting. The resulting "Black Gold" is easily marketable if not neede in public parks. Even in Manhattan there are many

gardens, sidewalk tree pits and recently green roofs which would welcome compost. Making it available as there is a surplus seems a great idea. Sales would assuredly defray costs.

Should all of these amendments be adopted, it seems to me that Transfer Stations will need to be adapted. Those already in operation might need alteration and any in the design stage must incorporate projected increases. I refer specifically to the MTS planned for the Gansevoort Peninsula expected to handle all of Manhattan's recycling.

In conclusion, I applaud the effort to deal more effectively both environmentally and economically with the solid waste we produce so prodigiously and handle so ineffectually.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Frieda K. Bradlow". The signature is written in black ink and has a fluid, connected style.

Frieda K. Bradlow  
fbradlow@aol.com

Public Member of the Environment, Public Health and Safety Committee CB2-M  
Executive Committee Village Independent Democrats

**The Women's City Club of New York  
307 Seventh Avenue, Suite 1403  
New York, NY 10001**

**Testimony before the New York City Council  
Committee on Sanitation and Solid Waste Management  
Letitia James, Chair  
Monday, April 26, 2010**

Thank you for the opportunity to testify on this very important issue of public recycling in New York City. My name is Arden Down, and I am the incoming Chair of the Environment & Infrastructure Committee of the Women's City Club of New York. The Women's City Club, or WCC, is a nonprofit, nonpartisan, multi-issue organization that has been working since 1915 to shape public policy to improve the lives of New Yorkers. One of our many key objectives is to ensure sustainable development for New York City.

A clean, healthy natural environment is critical to the quality of life enjoyed by New York City residents and businesses, and recycling can be an important component in maintaining a healthy environment. Recycling diverts trash from landfills and provides alternative raw materials for use in manufacturing. Using recyclables in manufacturing preserves natural resources and requires less energy and water than using natural resources. Less energy expended translates into less greenhouse gas production, ultimately reducing the city's contribution to climate change. Recycling also has the potential to create new jobs as industry innovates, finding novel ways to use recycled materials.

For all of these reasons, the WCC is proud to support the proposed legislation to expand recycling in New York City. Several of the proposals can have an immediate impact. Thus we wish to highlight the following points that we believe to be especially important:

- **Int. No. 148** requires the recycling of all rigid plastic containers, not just #1 and #2 plastic bottles. This expansion of plastic recycling will have significant direct and indirect impacts on the volume of trash diverted from landfills.
- **Int. No. 147** provides for increased education, outreach and enforcement. Research by the WCC and others has shown that NYC's relatively low level of compliance with existing regulations reflects, in large part, confusion and lack of knowledge on the part of the general population. For example, people often assume that any container printed with the universal recycling symbol is recyclable, when this is in fact not the case. People also frequently assume that all plastic containers are recyclable. Requiring all rigid plastic containers to be recycled should simplify matters and increase the recycling rate.

- **Int. No. 158** calls for increasing the number of public recycling bins. This will not only directly increase the volume of trash that can be recycled but will also emphasize the importance of recycling by making it possible for people to comply with regulations when they are not at home or at work. Additionally, increasing the visibility of recycling bins alongside trash containers will help make recycling second nature to New Yorkers.
- **Int. Nos. 156 and 165** extend recycling requirements to include City agencies and schools. Targeting institutions in this way will add significantly to the volume of recyclable material. Institutional recycling will also set an example for the general public and, in the case of the schools, educate young people for whom recycling must become an ingrained practice.

While the WCC applauds the leadership of the City Council in proposing this major expansion of recycling, we believe the Council should go one step further. WCC urges enactment of a law requiring that **all take-out food containers be recyclable**. In this city where everyone is on the go and in a rush, take-out containers abound, and they are most often made of plastic or Styrofoam. Requiring that take-out containers be recyclable would directly increase the volume of trash diverted from landfills while also serving as another way to re-shape New Yorkers' perception that recycling is an everyday part of life.

From an environmental point of view, Styrofoam (polystyrene) presents particular problems when discarded as trash. Styrofoam is manufactured from petroleum and is highly flammable. Benzene, a known human carcinogen, is used in its production. Styrofoam does not biodegrade for a very long time in the environment and when ingested by animals and birds, can block their digestive systems thereby killing them. The WCC therefore proposes that the City Council enact an immediate ban on the use of Styrofoam in food service materials.

In conclusion, the Women's City Club of New York strongly supports the proposed expansion of the City's recycling laws and urges the Council to include an additional stipulation that take-out containers be made of recyclable materials. The passage of this legislation will be an important step toward a sustainable future in which waste material is minimized and people are empowered with the understanding and force of habit necessary to ensure a thriving natural environment for years to come.

Thank you.

**Testimony to the Sanitation and Solid Waste Committee, New York City Council  
on 11 Recycling bills (Int. 141, 142, 147, 148, 156, 157, 158, 162, 164, and 171 of 2010)**

Maggie Clarke, Ph.D.

Maggie Clarke Environmental

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April 26, 2010

I am Maggie Clarke, currently a zero waste consultant and co-chair of the New York City Waste Prevention Coalition, and previously chair of the Manhattan Citizens' Solid Waste Advisory Board and previously vice chair of the Citywide Recycling Advisory Board, having served on these bodies for almost twenty years. My Ph.D. dissertation was on recycling and waste prevention behaviors and educational programs in New York City. I have studied New York City's recycling program over the last twenty years and would like to pass along some perspective on each of these bills.

In general, these are long overdue but good additions to the City's current recycling program, which should be passed with strengthening changes as I've indicated below. Having observed the DSNY evade Local Law in the past (even fighting adherence to provisions of Local Law 19 of 1989 in state court) the committee is best served by including strong and specific provisions in all bills that stipulate what happens if the DSNY or other agencies fail to do what the bill requires.

I also hope the committee continues work to address still neglected issues, such as school-based vocational training for reuse (repair, refurbishment), expanding the availability of reuse programs such as Materials for the Arts citywide and that all residents are eligible to receive reusable products. The City should also plan to implement Pay as you throw, first in the outer boroughs and then Manhattan, since it has been shown for close to two decades, that it is one of the best ways to reduce waste generation, increase reuse, recycling and composting, and it is already the billing system for solid waste in over 7,000 U.S towns and cities. Citizens and environmental groups wrote a comprehensive Zero Waste plan for the City (I co-authored the chapters on waste prevention and reuse), and I hope the Committee will review this plan and adopt the legislative recommendations made therein. **Reaching for Zero: The Citizens' Plan** for New York City, 2004

<http://geography.hunter.cuny.edu/~mclarke/ZeroReport2004.pdf>

**Intro 141 – 2010 Commercial Recycling**

Deadline for commercial recycling study – phase I, July 1, 2011. Phase II, July 1, 2013, Phase III, July 1, 2015. These will be good studies and are long overdue. But a serious problem with this bill is that it allows the DSNY Commissioner not to do studies just by providing an explanation. I recommend stronger language to ensure good quality studies are actually done on time.

**Intro 142 – 2010 Paint stewardship pilot**

Pilots are good, but since this bill only establishes a voluntary paint stewardship pilot with Manufacturers, there are no teeth to this bill. To strengthen the bill, the Commissioner should be given a required time frame to develop reduction, reuse and recycling education, and that more be done to improve the number of "participating" manufacturers, etc.

**Intro 147 – 2010 Recycling Outreach & Education**

New York City's diversion rate, at a little over 15%, will be remedied to some extent by targeting more recyclable and compostable materials. However, there is still only about 45% capture rate, and the diversion rate varies from 5 – 8 % in poor neighborhoods in the Bronx and Brooklyn to 30% in more prosperous parts of the City. I have conducted extensive research in the last decade exploring why there is such a disparity (see links below). The City has not spent sufficient funding on education, or targeted areas and types of residents with effective education and outreach efforts. Among

other things, my research has shown that New Yorkers were confused and in error about what was recyclable, and the most frequent reason (41% of respondents) for not recycling all the time was that they forgot to recycle. This is a failure in education in outreach that must be studied in depth, and addressed.

Clarke, M., and Maantay, J.A. **Optimizing Recycling in all of New York City's Neighborhoods: Using GIS to Develop the REAP Index for Improved Recycling Education, Awareness, and Participation.** Resources, Conservation, and Recycling, 46 (2) 128-148, February 2006, Elsevier Publishers.

<http://geography.hunter.cuny.edu/~mclarke/REAPIndexWMAantay.pdf>

**"Understanding Participation in New York City's Recycling Program"**, presented at and published in the **Proceedings of The Twentieth International Conference on Solid Waste Technology and Management**, Philadelphia, PA April 3 - 6, 2005 <http://geography.hunter.cuny.edu/~mclarke/UnderstandingParticipationinNewYorkCitysRecyclingProgram-Philly2005Final.htm>

**Optimizing Recycling in All the Neighborhoods of New York City: The Roles of Demographics, Education, Barriers, and Program Changes**, presented at and published in the Proceedings of the Nineteenth International Conference on Solid Waste Technology and Management, Philadelphia, PA U.S.A. March 21 - 24, 2004

<http://geography.hunter.cuny.edu/~mclarke/OptimizingRecyclingInAllNYCNeighborhoods-Philly2004.pdf>

**Recycling in Minority Communities in New York City**, presented at National Recycling Coalition Congress, Baltimore, MD, September 16, 2003

<http://geography.hunter.cuny.edu/~mclarke/Educational%20strategies%20in%20minority%20communities.pdf>

It's good to expand education to smaller buildings. But I recommend that a timeframe be stipulated for the DSNY to adopt rules. Sec. 16-311 is imprecise about how much, what type, how often and to what extent education is to be provided by OROE. This needs to be spelled out / required. There is no deadline for developing curricula and online recycling Tutorial and how users will become aware of the availability of these. DSNY has created many manuals, but often does not distribute them to everyone, requiring people to know of their availability, somehow, and to ask for them. DSNY needs to develop better methods to provide more information and more rationales to convince New Yorkers to participate in the programs. Sec. 16-315 requires better quality educational guides to be prepared, but again, expects people to go on a website to view it. This will ensure that most will not see it. Using the phrase "will be made available" is lax and should be "will be sent or transmitted to". It is good to require the Commissioner to update it biannually at least. What happens if he doesn't? This should be stipulated in law. It is good to increase fines to larger apartment buildings for noncompliance, and the persistent violator fines and requirements to attend education workshops, and requirement to have trash in transparent plastic bags and waste identification tags to locate tenants who aren't recycling properly, are particularly good ideas. How will it be enforced? DSNY enforcement has not been thorough. How will the Council over see DSNY enforcement in the future?

Intro 148 - 2010 Designation for Recycling of Rigid plastic containers

Targeting all rigid plastic containers for recycling is a wonderful advance in our program. But the provision about educating residents about this is weak, since it doesn't specify that or how everyone is reached by educational outreach. Programs need to be designed to be thorough and effective. Effectiveness of educational programs need to be measured and analyzed frequently.

Intro 156 - 2010 Recycling in City Agencies

The requirement of city agency recycling plan, staff and reports is a good one, but how will it be enforced? The requirement of an annual DSNY recycling report pursuant to Sec 16-311.1 is not a new one, and the Department has not written annual reports in many of the years since Local law 19 of 1989 was passed. Will City Council oversight ensure the preparation of annual recycling reports by DSNY in the future and can this be spelled out in this bill?

#### Intro 157 – 2010 Leaf and Yard Waste

Composting of yard waste from the Housing Authority and city agencies is a good provision, but when will this be expanded citywide to all residents? Language has been removed which would ban yard waste from being tipped at DSNY owned landfill, incinerator or resource recovery plant (logical since DSNY does not own any now), however, why should DSNY be permitted to export yard waste to such disposal facilities elsewhere rather than require that they be tipped at composting facilities? There should be a provision to ban export of yard waste except to composting facilities.

Establishment of new composting facilities in the City is long overdue, but needs to be done with care to have interactive discussions with affected communities. Reporting to DSNY is also good, but how will this be enforced? Will this information be included in monthly district-based recycling reports (it should). A ban on grass clippings is a good one, but how will it be enforced? Likewise, requiring DSNY to collect Christmas trees for composting is good, but how will it be enforced? At least one time, a few years ago, DSNY decided not to collect trees.

#### Intro 158 – 2010 Public Recycling Bins

A few years ago I recommended the Manhattan Borough President to take Eucan, which has hundreds of public space recycling bins with paid advertising in and around Toronto and other Canadian cities, up on their offer to set up a free pilot in Manhattan, but the Borough President did not follow up. In this arrangement Eucan provides bins, collects recyclables, acquires advertisers, and splits advertising and recyclables revenues with the municipality. It's a win-win.

It is a good provision to expand the number of public space recycling bins, and it has been a long time coming. It is problematic to say "wherever possible" public space recycling bins be placed adjacent to public litter bins, since any recycling bin not near a litter bin WILL receive litter and vice versa. It is demonstrated repeatedly in the literature that public space recycling bins must always be sited next to litter bins in order for them to be effective. It is also imperative that all bins be labeled conspicuously, graphically and colorfully to be most effective.

It is an excellent idea to include in public space recycling the ability for deposit containers to be deposited by the public and removed by scavengers for redemption and for reporting of the results, including an analysis of the feasibility of expanding the program.

It is troublesome that the Commissioner can remove public space recycling bins (sec. 16-309.1 d) from one location because of contamination and not be required to improve their design or signage to improve education to users and retest.

It is also long in coming, but a welcome addition to the DSNY programs to have citywide textiles collections and reporting of tonnage collected. How will this be overseen by the Council and enforced? It should be spelled out in the bill. The bill is not specific as to how many drop off sites there will be (unlike public space recycling, which does specify).

#### Intro 162 – 2010 Household Hazardous Waste collection events

This is also a long awaited, welcome addition to DSNY's program, but the minimum one collection per borough per year is a tiny drop in the ocean of what is a comprehensive program designed to properly handle household hazardous wastes and keep them out of the incinerators and landfills to which the City exports most of its discards. That the Commissioner is encouraged to look for more drop-off / collection opportunities is a weak provision which is easy to ignore by the Department.

#### Intro 164 – 2010 Recycling

It is a good thing that more recycling data will be made available to the public and City Council, and that car bodies, asphalt millings, construction and demolition waste shall no longer be counted in the recycling tallies. It is good that more education, targeted to neighborhoods that are below average in diversion, will start happening this summer. It is good that a "Master" will be employed to help the City improve recycling rates if it fails to achieve two diversion rates / dates in a row.



Requirement of an annual recycling report (which had been required in Local Law 19 of 1989) is a good thing, but what happens if the Council does not receive said report?

It's also good that the Mayor's office of sustainability will study recycling and composting-related business in New York and attempt to expand local markets for recyclable materials. This step is the first attempt to restore the Market Development section of the DSNY recycling bureau that was excised shortly after 1993's new Mayoral administration. This is long overdue.

It is good that new waste characterization studies will be done every six years for three iterations, however, what the studies will measure is still limited to "materials". Measuring materials means measuring recyclable and composting categories of things (metal, glass, plastic, paper, textiles), and this is good for helping to understand achievement of recycling and composting goals. However, waste prevention and reuse are preferred methods in the solid waste management hierarchy to composting and recycling, and in order to assist the City in knowing what products and packaging types are in the waste stream, based on use, not material (e.g. categories of furniture, electronics, appliances, clothing, blister packages, plastic grocery bags), it is necessary to conduct discards analysis that studies categories with potential for waste prevention and reuse. It does no good to know that there is a certain amount of wood in the waste stream, when some of that wood is usable or repairable furniture or construction, some amount of metal is usable or repairable furniture, electronics, and appliances, etc.

As a member of the Citywide board's steering committee for the entire length of its existence as well as the Manhattan board (having served it as chair for 2 years, and vice chair for six years, member for 19 years), I know it is good that citizens' solid waste advisory boards will be given copies of biennial recycling reports. However, what happens when some of the boroughs fail to have a citizens' solid waste advisory board and that the Citywide Recycling Advisory Board does not exist, or the boards that do exist do not undertake responsibilities given in Local Law 19 of 1989 (including annual public hearings, advice to City about how to improve recycling education, etc)? In addition to ensuring that all the boards do exist and are functioning with well advertised, open meetings and accomplishing the requirements of law, membership in these bodies should not exist at the whim of the Borough President or any one person, as I experienced first-hand, and which occurred recently in the Manhattan Board to several members, excised without cause. These boards should, at least to some extent, be under jurisdiction and report to the City Council as well as Borough Presidents, and councilmembers should have the ability to appoint to and retain members on these boards.

But the rates and dates section 16-305 is very tame considering that the percentage of the discard/waste stream that is now being targeted by all the other bills increases the current amount targeted by a considerable amount, well over 50% and perhaps as much as 100% more than is targeted now, what with adding food waste, leaves and yard waste, public space recycling, bottles returned under the "bottle bill" deposit program, Christmas trees, batteries, household hazardous waste (which may or may not actually be recycled), electronic waste, textiles, and rigid plastic containers to the current list of targeted recyclables. It is a sad commentary that the first three dates just get us back to where our diversion rates were in 2000 before the Administration, in full knowledge of the deleterious effects on participation of reducing the number of items targeted for recycling for a period of time (as I and others testified in 2002), ignored warnings and continued to modify the recycling program, causing permanent damage to participation rates (21% in 2000 and 16% and falling in recent months). Testimony can be viewed at: <http://geography.hunter.cuny.edu/~mclarke/testimony.htm> including the following:

[Why Waste the Future? May, 2002 report Exec Summary](#)

[Why Waste the Future? May, 2002 report Full Report](#)

Budget Testimony to Council Sanitation Committee for FY2003, March 2002:

[Summary by Marjorie Clarke, Grasscycling, Westchester's MRF, Bottle Bill Expansion, Refillable Bottles, Collection Efficiencies, Substitution, Economics Waste Match](#)

[Observations of and Recommendations for Waste Prevention in New York City, Feb. 2002](#)

[Statement of Marjorie J. Clarke, Ph.D. to Sanitation Committee, NYC Council, Feb. 2002](#)

Citywide Recycling Advisory Board testimony on recycling budget FY2003 -- 4/18/2002

Marjorie Clarke's statement on improved recycling economics via education

Carol Hart's statement on new Recycling Authority

WP Coalition Budget Testimony to Council Sanitation Committee for FY2003, March 2002:

Summary by Marjorie Clarke

Grasscycling

Westchester's MRF

Bottle Bill Expansion

Refillable Bottles

Collection Efficiencies

Substitution of recycling for garbage collection

Economics

Waste Match

The big problem that is not addressed sufficiently by current legislation is that currently the City only receives about 45% of what is targeted. This set of requirements for diversion rates and dates by which they must be achieved would be achieved just by adding the new recyclables, and not by addressing the fact that more than half of the recyclables targeted end up in the trash. This is a failure in outreach and education.

Intro 165 – 2010 Recycling at the Dept of Education

It is good policy to hold the Dept of Education accountable for recycling, requiring plans, coordinators, and infrastructure, and reporting to DSNY. How will this be enforced (who, when) and what level of plan and execution is considered minimum compliance with this law?

Intro 171 – 2010 Composting of Food Waste

Considering that food waste has always been known by DSNY to be one of the largest parts of the discard stream, after paper/cardboard, and that composting has always been an environmentally sound option, and that other major North American cities have been collecting organics curbside and composting them centrally, it is good that the Mayor's office of sustainability will study collection and siting issues, both for residential as well as curbside-collected materials. The list of research items is good, but one additional idea is worthy of inclusion: study whether sewage sludge and dewatered product could be processed with food and yard waste in or near the City. This would limit the long-distance export of dewatered sludge and costs that this entails. Another item for the list is evaluation of the long-term pilot program of the Lower East Side Ecology center and its In-Vessel system, to see if this can be adapted for use in community gardens, and other public spaces. A third item for the list is to study the viability of co-composting of other organics (soiled papers, etc.) that the DSNY considers in its definition of organics.

**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: \_\_\_\_\_

(PLEASE PRINT)

Name: JOHN DOHERTY, Commissioner

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

I represent: DSNY,

Address: 125 Worth St. NY, NY 10013

**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: \_\_\_\_\_

(PLEASE PRINT)

Name: Christina Giorgio

Address: 141 Attorney St A1C

I represent: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. all 11 bills Res. No. \_\_\_\_\_  
 in favor  in opposition

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

(PLEASE PRINT)

Name: Isabelle Silverman

Address: 257 PAS

I represent: Environmental Defense Fund

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

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

**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: \_\_\_\_\_

(PLEASE PRINT)  
Name: HARRY CIPOLLINA  
Address: Deputy Commissioner Finance & Administration  
I represent: DSNY  
Address: 125 Worth St. NY, NY 10013

**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: \_\_\_\_\_

(PLEASE PRINT)  
Name: Robert Lange  
Address: Director, Bureau Waste Prevention, Reuse & Recycling  
I represent: DSNY  
Address: 125 Worth St, NY, NY 10013

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0171 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 04/26/2010

(PLEASE PRINT)  
Name: JACK WALSDORF  
Address: 99 MADISON AVE FANWOOD, NJ 07023  
I represent: CONVERTED ORGANICS INC  
Address: P.O. Box 206, Keasbey, NJ 08832

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

12:50 pm

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

in favor  in opposition

Date: 4/26/10

(PLEASE PRINT)

Name: Frieda K. Bradlow

Address: 43 Charlton St.

I represent: Village Independent Democrats

Address: 26 Perry St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1103

I intend to appear and speak on Int. No. 148 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/26/2010

(PLEASE PRINT)

Name: Keith Christman

Address: 1300 Wilson Blvd Arlington VA

I represent: American Chemistry Council-Plastics

Address: 1300 Wilson Blvd Arlington VA

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1103

I intend to appear and speak on Int. No. 148 Res. No. ~~148~~

in favor  in opposition

Date: 4/26/10

(PLEASE PRINT)

Name: STEVE ALEXANDER

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

I represent: ASSOC. OF POSTCONSUMER PLASTIC RECYCLERS

Address: 1001 G ST, NW, SUITE 500W, WASH, DC 20001

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:12 pm

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

in favor  in opposition

Date: 4.26.10

Name: Kendall Christensen (PLEASE PRINT)

Address: 151 Maple St. Brooklyn

I represent: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:13 pm

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

in favor  in opposition

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

Name: Matt Maling (PLEASE PRINT)

Address: 410 East 6th Street

I represent: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:13

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

in favor  in opposition

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

Name: Resa Dimino (PLEASE PRINT)

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

I represent: NYS DEC

Address: 685 Broadway Albany

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:14

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

in favor  in opposition

Date: 4/26/10

Name: ERIC GOLDSTEIN (PLEASE PRINT)

Address: 40 W 20 ST

I represent: NRDC - Natural Resources Defense Council

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:14

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

in favor  in opposition

Date: 4/26/10

Name: Maggie Clarke (PLEASE PRINT)

Address: 17<sup>th</sup> 95 Riverside Dr NY 10034

I represent: Maggie Clarke Environmental

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:14

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

in favor  in opposition

Date: 4/26/10

Name: Arden Down (PLEASE PRINT)

Address: 969 Park Ave 10028

I represent: Women's City Club of New York

Address: 307 Seventh Ave Suite 1403 10001

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:14

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

in favor  in opposition

Date: 4-26-10

(PLEASE PRINT)

Name: TOM OUTERBRIDGE

Address: 110 ST AVE 7th floor NY NY

I represent: SIMS MUNICIPAL RECYCLING

Address: SAME

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1:16

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

in favor  in opposition

Date: 4/26/10

(PLEASE PRINT)

Name: HARRY Nespoli (+ Robert Bishop)

Address: 25 Cliff St

I represent: LOCAL 831 IBT Uniformed

Address: Sanitationmen's Association

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1418 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: OPAHAY Moore

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

I represent: Moore Recycling Associates

Address: 1800 Brox St 7B1 Schuam, CA  
VA 22709 95476

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



300 Wilson Blvd  
VA 227  
**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 148 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Stephen Alexander

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

I represent: Association of Post-Consumer

Address: Plastics Recyclers

1001 G Street NW Ste 500  
Please complete this card and return to the Sergeant-at-Arms  
West Washington DC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 148 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Keith Christman

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

I represent: American Chemistry Council

Address: 1001 300 Wilson Blvd Arlington  
VA 22209

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