



sanitation

Jessica S. Tisch Commissioner

**Testimony of
Jessica Tisch, Commissioner
New York City Department of Sanitation**

**Hearing before the New York City Council
Committees on Sanitation & Solid Waste Management and Small Business**

**Wednesday, February 22, 2023
10:00 A.M.**

**Preparing NYC Businesses for Commercial Waste Zones
Intros. 493 and 933**

Good morning, Chair Nurse and members of the City Council Committees on Sanitation and Solid Waste Management and Small Business. My name is Jessica Tisch, and I am Commissioner of the New York City Department of Sanitation.

I am joined today by Javier Lojan, newly appointed First Deputy Commissioner, and Gregory Anderson, Deputy Commissioner for Policy and Strategic Initiatives. Thank you for the opportunity to testify on DSNY's commercial waste zones program.

In 2019, after years of advocacy and to great fanfare, New York City enacted a sweeping reform of the commercial waste industry, the patchwork of private waste haulers who pick up refuse, recycling, and compostable material from every single one of the City's businesses.

This reform, enacted in Local Law 199 of 2019 ("Local Law 199") and referred to as commercial waste zones, introduces a new regulatory framework for this industry. In this approach, there will be no more than three haulers serving each of 20 zones across the city, down from dozens of haulers in some neighborhoods today. This program will also deliver meaningful upgrades in safety, worker protection, emissions standards, and public reporting that will yield real, tangible improvements for neighborhoods across New York City. Commercial waste zones mean fewer trucks, more safety, cleaner air.

I am committed to implementing this program and, more importantly, doing it right. The Department has spent eight years working with stakeholders, carters, consultants, advocates, and the City Council to create the framework for this program. I have had the privilege of coming into this process at the implementation phase. It is my honor and responsibility to push this over the finish line.

Today, we have made major steps forward in the Request for Proposals (“RFP”) process to select which carters will service which zones. However, this is not something we can implement overnight or with the flick of a switch.

The system we are putting in place should be with New York City for decades to come.

We have one chance to do this, and it’s worth taking the time to ensure that we get it done right.

Businesses in New York City generate 20 million pounds of waste a day, seven days a week. If you get that wrong, that’s called a public health crisis.

My team and I together have decades of experience implementing some of the most complex and impactful new programs in the realms of cleanliness, service delivery, public health, policing and technology that this city has seen. Together, we have managed billions worth of complex services contracts. We have the tools to execute on commercial waste zones, and we will.

Background on Commercial Waste Zones

Local Law 199 began based on years of advocacy from a coalition of labor, environment, and safety advocates calling for reform of the dangerous and dirty commercial waste sector. These advocates have paved the way for this program for over a decade, first pushing the de Blasio Administration to study the industry in 2015 and later to announce a full-fledged plan for commercial waste zones in 2018. It’s only because of their work that we can have this conversation today.

The commercial waste zones program aims to bring order to a chaotic system, one where hundreds of private carting trucks crisscross neighborhoods across New York City every night. Today, one truck may service a shop in the Bronx, a restaurant in Queens, and a grocery store in Brooklyn, driving over 100 miles over the course of as many as 12 hours, creating unnecessary truck traffic, safety hazards and pollution. And on one commercial corridor, more than a dozen different trucks may drive up and down the block on a given night.

The commercial waste zones approach brings order and accountability to commercial waste. By allowing up to three carters to service each of 20 zones, the program will reduce the overall truck traffic associated with commercial waste collection by 50 percent. In dense commercial districts and around waste transfer stations, these reductions will be even more pronounced. Reductions in truck traffic will also yield meaningful improvements in public and worker safety – shorter routes mean less driver fatigue and fewer incentives to cut corners – and will reduce greenhouse gas and air pollution emissions.

Introducing this new regulatory approach also allows the City to achieve meaningful improvements in several other areas. New worker training and safety requirements will ensure that private sanitation workers are properly equipped for the dangerous job they carry out each night. The new system will also nearly double the commercial diversion rate for recyclables and organic waste by requiring that carters actually provide these services and offer customers

incentives to recycle. And it will improve transparency and quality of service for the more than 100,000 businesses large and small that rely on commercial waste collection services.

This program will improve quality of life in City neighborhoods through new accountability and reporting tools that will allow DSNY to hold bad actors accountable. For the first time, we will have a clear picture of how the system is operating and which carters serve which customers, as well as real-time location data on commercial trucks. This is a game changer for enforcement and something that has proven instrumental for internal operations management within DSNY.

Lessons from Los Angeles

New York City is not the first city to take this approach. Franchised collection is common in smaller cities and towns across the United States, mostly in places where dumpster collection is the norm. Los Angeles implemented a similar zoned system in 2017, creating 11 zones each with just one carter authorized to service commercial and multi-family customers in that zone.

The initial implementation of the Los Angeles program was nothing short of a disaster. Prices more than doubled for some customers, who submitted more than 6,000 service complaints in just one month in December 2017, and the program manager called it “six months of hell.”¹ The City Council and sanitation department faced lawsuits and calls to scrap the program entirely.

Los Angeles spent the next two years renegotiating contracts, changing requirements, and working with both customers and carters to stabilize the system. While that program now works more smoothly, we certainly do not want to repeat these mistakes in New York City.

DSNY learned a few important lessons from Los Angeles.

First, we must be keenly aware that massive downstream price increases for customers will be the death knell for commercial waste reform. Los Angeles created ambitious targets that it expected carters to meet very quickly, rather than phase in over time. They did not put in place thoughtful contracts at the outset of the program. Carters took advantage of a new list of fees to drive up customer bills. Los Angeles also looked at the commercial waste sector as a new source of city revenues, charging a franchise fee of ten percent of revenues. As I will describe, we have taken several steps to reprioritize low prices in our approach.

Second, the Los Angeles program eliminated any element of choice for businesses by creating monopolistic, exclusive zones. DSNY has designed a non-exclusive model with multiple carters authorized to service customers in each zone. This creates competition amongst carters in each zone and gives customers the ability to pick the carter that provides the price and service that works best for them.

Third, Los Angeles implemented the entire program at once, transitioning every customer overnight. Carters did not have a clear picture of which customers they were expected to service, and some customers went weeks without trash pickup. DSNY plans to implement commercial

¹ Cole Rosengren, “Los Angeles had a rocky commercial waste zone rollout but is seeing results. What’s in store for New York?” *Waste Dive*, September 19, 2022, <https://www.wastedive.com/news/new-york-commercial-waste-zone-los-angeles-transition-recycling-labor/629021/>.

waste zones in a phased rollout, starting with just one pilot zone, to have time to conduct educate customers and ensure they have time to select a new carter that works for them.

RFP Process

Since the enactment of Local Law 199, DSNY has worked to implement the commercial waste zones program. The Department moved quickly to begin rulemaking and start work on an RFP. However, the COVID pandemic and associated stay-at-home orders decimated the commercial waste sector, reducing waste volumes and revenues by 50 to 70 percent. At the time, DSNY paused the implementation of this program to allow the industry to stabilize and begin to recover.

In recognition of the ongoing impact of the pandemic on the City's economy, DSNY decided to take a phased approach to the RFP required by Local Law 199 to select carters to provide service in each zone. In November 2020, exactly one year after the law's enactment, the Department issued the first part of the RFP to collect information from potential awardees on their existing operations and compliance history. In June 2021, DSNY announced that 50 carters had submitted responsive proposals for Part 1 of the RFP.

In November 2021, the Department issued the second part of the RFP to collect more detailed pricing and technical proposals along with updated financial and compliance data. To meet the laundry list of requirements in Local Law 199, this RFP was incredibly detailed. Carters were expected to submit plans related to customer service, zero waste, health and safety, emergency operations, waste management, air pollution reduction, subcontracting, and outreach, along with detailed financial, business and compliance information covering several years of operations.

This is important and valuable information. However, it means hundreds or thousands of pages of submissions from each carter, including information that has to be validated against previous submissions, publicly available data, and other sources.

Looking at the experience from Los Angeles and other systems, we know that commercial waste regulations face two existential threats that must be managed: massive downstream increases in cost to businesses and litigation that stalls implementation. When I started as Sanitation Commissioner last April, I immediately took a deep dive into the commercial waste zones program and RFP with these threats in mind.

I cannot guarantee that those challenges will not affect the implementation of this program. But I am doing everything in my power to mitigate any challenges to and arising from the implementation of this program that could threaten decades' worth of advocacy.

On price, we dug into previous analysis on new costs associated with increased regulation. We also made adjustments to the RFP evaluation criteria to give price the highest scoring weight, sending a clear message to potential proposers that we are serious about keeping price under control. And we realigned incentives for recycling and organics with a real-world understanding of the costs of providing those services. While I cannot guarantee that these changes will allow us to entirely avoid price increases, I am confident that we took reasonable steps to work toward that goal without sacrificing commitments to safety and worker protection.

On potential litigation, we have emphasized creating a fair and competitive process that follows the letter of the City's procurement rules and procedures. Following an initial review of the RFP responses, we issued a request for Best and Final Offers ("BAFO"), a best practice in procurement to ensure you are getting the highest quality service for the best price. This allowed proposers to have another chance to refine their proposals to ensure they submit the full set of documents required and meet the requirements of Local Law 199. This also ensures we have as many proposers as possible move into the evaluation phase, increasing competition to keep price low.

Since the due date for the BAFO on November 10, 2022, we have conducted a careful, painstaking review of the submissions, which number in the dozens and can exceed 1,000 pages each. DSNY completed its review of the proposals for completeness and did not eliminate any proposers for technical errors or fixable flaws. The evaluation committee for the RFP has begun reviewing the proposals, a substantial milestone in the procurement process.

Going forward, there are several steps – evaluation and scoring of the proposals by the committee, negotiating contracts with the selected awardees, and approval of the contracts by oversights and the Comptroller. Each of these steps, for just one contract, typically takes months, not weeks. Here, we are talking about 65 contracts.

When complete, this will represent the single biggest change to the City's waste management efforts since the opening of the marine transfer stations. Just one contract for waste export from the marine transfer stations, from RFP to award, took a full 2 years and 7 months.

When DSNY released Part 2 of the RFP at the end of the last Administration in November 2021, it indicated that implementation was expected to begin in "Early 2023." Given the complexity of the RFP and the amount of care and attention required to complete this process, this timeline was unrealistic.

I am committing to you today to give you frank, realistic expectations of timeline and process going forward. Based on where we stand now, we expect that the first pilot zone will be implemented in the second half of 2024. I reserve the right to adjust that timeline, but I assure you that I will provide regular updates as the procurement rules permit.

Implementation

Now, I will overview our implementation efforts.

Within the Bureau of Commercial Waste, staffing has increased from 13 to 17 since I started last April, and we have another three positions actively posted. This will bring us to a total of 20 civilian staff dedicated to this program. We added ten additional Sanitation Police Officers as part of our most recent academy class that graduated earlier this month, and these officers will be dedicated to commercial waste enforcement as soon as the program begins implementation. This means staffing dedicated to commercial waste zones has more than doubled.

We have also brought on a new Executive Director, Frank Marshall, who has decades of experience in program management. He's here in the room today, but he is not able to join us at the table today given his role in evaluating the proposals. As we move forward, we will continue to assess staffing needs for implementation and ongoing program management and work with OMB to meet those needs.

But this isn't about the work of just one bureau. We are taking a Department-wide approach to this program.

We have built a Program Management Office to bring executive-level leadership and experienced project management to this complex, agencywide programs. This team has put in place new systems and procedures to keep these programs on track, aligned with our strategic priorities, and on budget.

We are bringing talented IT resources to design the data management systems that will form the backbone of our contract management and enforcement. We are working to fix a system that, while built with good intentions, was not initially fit for purpose. The team is creating a system that will be easy for carters to use. This is the first time we will have the opportunity to collect this data, and we need to do it right.

Most importantly, we have created a centralized outreach team led by an experienced Assistant Commissioner for Outreach to create and implement strategies for outreach around agency priorities, including setout times, organics and commercial waste.

Ahead of the implementation of this program, we will engage businesses across the city through a strategic zone by zone approach. We aim to reach over 100,000 business owners through in-person canvassing, phone calls, and direct mail to educate and assist customers during the zoning transition period.

We are securing a vendor to conduct the door-to-door canvassing in each of the new zones. That vendor will be in place long before implementation starts next year. The outreach associates canvassing efforts will include all types of commercial establishments, including office buildings, retail, restaurants, industrial uses, hotels, and hospitals, among others. In addition to the direct outreach to business owners, we will engage community partners including BIDs, trade associations, and civic associations as well as our partners in government through trainings, presentations, email blasts and more to amplify our multipronged awareness campaign. Our outreach strategy will emphasize language access and providing simple, clear information to businesses in the language and format that works best for them.

As I mentioned, we expect to begin the implementation with one pilot zone in the second or third quarter of 2024. Outreach will begin in the months preceding implementation and will continue through the full four-month transition period. Additional phases of implementation will follow the first pilot zone, and we expect the full implementation to take about two years.

Intro. 493

Finally, I'll briefly address the two bills on the agenda for today's hearing.

Intro. 493 would require the Department to establish a plan for accepting commercial solid waste at city-owned marine transfer stations and to report annually on the implementation of that plan.

The City's 2006 Solid Waste Management Plan anticipated that the City marine transfer stations ("MTSS") would potentially be used for commercial waste, where surplus capacity exists. Only two transfer stations have additional available capacity – the E. 91st Street and Southwest Brooklyn MTSSs. There are costs that come with this approach, both for DSNY and for commercial carters. To accept commercial waste, we would have to add additional City and vendor staff to process waste on a third shift overnight.

In addition, our export contracts, with substantial built-in redundancy and an emphasis on rail and barge export, are not cheap. We have to acknowledge that our facilities may not be competitive with private transfer stations in New York City and the larger metro area. Some carters also operate their own transfer stations, creating vertical integration that can reduce the cost of providing service for businesses.

That said, we have included the MTSSs as part of the commercial waste zones RFP. We asked every proposer to indicate if they are interested in using these facilities for waste disposal. As we evaluate the proposals, we will have a better sense of demand for commercial waste disposal at the MTSSs. We think that working through the RFP process is the right approach to this issue going forward.

Intro. 933

Intro. 933 would require DSNY to create a working group that would convene no later than two months following the issuance of awards to selected carters. The working group would be comprised of no more than 20 members, including the Sanitation Commissioner, the Chair of the Business Integrity Commission, the Chair of the City Council Committee on Sanitation and Solid Waste Management, at least eight designated carters, and at least eight appointees by the City Council.

Stakeholder engagement has been a fundamental part of the development of this program to date. In developing the implementation plan, DSNY met with more than 100 different stakeholders representing business groups, labor, transportation safety advocates, environmental advocates, and industry representatives. The legislation, environmental review, and rulemakings have each been public, participatory processes that together have engaged hundreds of stakeholders and members of the public. During the RFP phase, our engagement and communications with stakeholders has been limited by rules and best practices for City procurements. All communications must be equal and fair to ensure no preferential treatment. As soon as the procurement concludes, we expect to resume regular engagement with appropriate stakeholders ahead of the implementation of this program.

However, I cannot support this bill in its current form. The inclusion of designated carters in the working group would present legitimate concerns about favoritism and access that could threaten

the implementation of the program. The carters on the working group would have both perceived and actual preferential access to members of the Department and discussions about the implementation of the program and put it in legal jeopardy. As DSNY will be both the contract manager and regulator under this program, the Department should determine the best way to engage with vendors to avoid any favoritism and create a fair program for all vendors.

In conclusion, I want to assure the Council once again that we are fully committed to implementing commercial waste zones, and we are committed to getting it right. We will take the time and dedicate the resources needed to achieve the program goals and creating a cleaner, safer, more sustainable commercial waste collection system. Thank you for the opportunity to testify today, and my colleagues and I are now happy to answer your questions.



**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT &
COMMITTEE ON SMALL BUSINESS
RE: OVERSIGHT OF COMMERCIAL WASTE ZONE LAW &
PROPOSED INTROS 493, 933 AND RESOLUTION 167
February 22, 2023**

Good afternoon, Chair Nurse, Chair Menin, Councilmembers Gutierrez and Gennaro and other members of both Committees. My name is Eric A. Goldstein and I am New York City Environment Director at the Natural Resources Defense Council, (“NRDC”). NRDC is a national non-profit legal and scientific organization active on a wide range of environmental, public health and quality-of-life issues around the world, across the country and right here in New York City where the organization was founded in 1970. Among our most important goals in New York has been to transform the region’s solid waste policy from primary reliance on landfilling and incineration to making waste prevention, recycling, composting and equity the cornerstones of 21st century waste policy here.

I am pleased to be here today to discuss implementation of Local Law 199 of 2019 -- the mold-breaking statute that envisions a once-in-a-generation transformation of the system for collecting commercial waste in the nation’s largest city. If successfully implemented, this law will be viewed as having launched the most significant change in New York solid waste policy in more than 30 years -- since passage of the Mandatory Recycling Law in 1989.

But Local Law 199 is not self-enforcing. It will take continued priority attention and management resources from the Department, as well as continuing oversight by these Committees, to achieve the Council’s objectives in passing this landmark statute.

Let me briefly recap why the Council enacted Local Law 199 in the first place. The current system for commercial waste collection in New York City has for decades been completely broken. Every night, diesel-powered trucks from as many as 90 different privately-owned caring companies have raced across city streets in an irrational routing scheme that generated unnecessary pollution, threatened public safety and exploited the drivers and helpers who have received low pay and few benefits for the dangerous work they do. Some routes have required as many as 1,000 stops in all five boroughs, with shifts lasting 12 hours or more. Some

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neighborhoods have had more than two dozen separate carters driving to stores on the very same block every night. Pedestrians have been endangered. Conditions for day workers have been poor. Minimum standards for health, safety, labor and the environment have been woefully inadequate.

Making matters worse, the private carters have hauled their collected trash to land-based waste transfer stations, located disproportionately in overburdened community of color, where the waste is combined, usually loaded onto long-haul diesel trucks and shipped to distant landfills and incinerators. Thus, this dangerous and irrational system has also been a long-running nightmare for environmental justice neighborhoods, especially in the South Bronx, North Brooklyn and Southeast Queens. In short, this is a system that doesn't need small adjustments. It needs instead a complete, carefully planned, top-to-bottom remake.

That is exactly what Local Law 199 -- passed in 2019 after years of debate, discussion and stakeholder deliberations -- promises to provide. The legislation is designed to replace the current "wild west" system of commercial waste collection with one that divides the city into up to 20 distinct waste zones, as determined by the Sanitation Commissioner. For each zone, the Department of Sanitation is to enter into an agreement with no more than three carters who will receive ten-year contracts to collect commercial waste within that zone. The carters who secure a zone agreement with the Department will have submitted a customer service plan detailing performance metrics, among other things; a waste management plan, describing practices for disposal and collection of waste; the carter's plans for air pollution and greenhouse gas reductions; and other documentation aimed at ensuring that the service provided by the carter to its customers will be reliable and reasonably priced, and that the operations of the carter will achieve other important city goals in terms of Vision Zero and public safety, sustainability, and equity for workers and overburdened communities.

The advantages from implementation of Local Law 199 should be numerous and far-reaching:

- Under the exclusive zone system, total vehicle miles traveled by the commercial waste collection trucks – which were calculated in DSNY's 2016 Commercial Waste Zones study at over 23 million miles a year -- would be chopped by half. (This would be equivalent to reducing diesel-powered commercial waste trucks driving a distance to the moon and back as much as thirty times every year!) This could yield cutbacks of 42 to



64 percent in greenhouse gas emissions from waste trucks, as well as similar reductions in particulate matter, nitrogen oxides and volatile organic compounds.

- The dramatic reduction in commercial waste truck Vehicle Miles Traveled should also yield comparable benefits in terms of reduced traffic accidents and improved safety for pedestrians and waste truck crews.
- Reductions to emissions of climate-altering methane emissions are another expected benefit from implementation of Local Law 199. Using EPA’s waste reduction model and DSNY figures for expected increased in composting under a waste zone system, New York Lawyers for the Public Interest has estimated that waste zone-related diversion of organics from landfills and incinerators) could cut global warming emissions by 1.3 million tons a year.
- Waste zone implementation should also result in enhanced equipment and training, as well as higher health, safety, labor and employment standards that would protect and benefit private sanitation workers; along with more transparency and choice for waste zone businesses and customers.

Unfortunately, for a variety of reasons, implementation of this landmark local law has been delayed. The statute took effect immediately upon passage on November 20, 2019. It directed the Department to issue Requests for Proposals to conduct commercial waste removal in the new zones within one year and to enter into contractual agreements thereafter. The statute required that by September 30, 2020, and annually thereafter, the Commissioner “shall issue” a report “regarding implementation of the commercial waste zone program for each month during the previous fiscal year,” indicating a Council intent that the program be up and running without undue delay. Section 16-1011.

The Department adopted final rules designating the boundaries of the new zones in February 2020 and has issued further rules and taken subsequent steps, such as requesting that potential zone contractors submit expressions of interest by March 2021. Nevertheless, today, nearly three- and one-half years after Local Law 199 took effect, actual awarding of contracts for the new Waste Zone program has not yet taken place. To be sure, the COVID-19 epidemic and its aftermath is responsible for much of the delay. And the Commissioner’s testimony today provides some assurance that the statute will ultimately be implemented successfully. However, time is marching on and it is essential that the final implementation steps advance expeditiously.

For all these reasons, we support Intro 933, which would establish a Commercial Waste Zone Working Group to track implementation of the Waste Zone statute, make recommendations, and work



with the Department to keep the program on track and on time. The Commissioner has raised a concern about this bill's provision that would include designated carters on the Working Group and thereby present possible charges or favoritism or other ethical issues. We understand that concern and believe it can be easily addressed by altering the composition of the proposed Working Group to include trade association or other industry representatives, but no designated carters.

A related reform initiative that deserves to be rapidly advanced is the use of the city's recently modernized, state-of-the-art Marine Transfer Stations to handle the export of commercial waste. For decades, environmental justice neighborhoods in the South Bronx, North Brooklyn and Southeast Queens have borne disproportionate environmental burdens from the concentration of poorly operating, privately run land-based waste transfer stations. As far back as the adoption of the City's 2006 Solid Waste Management Plan, the City pledged to address this injustice and identify mechanisms, including use of its new Marine Transfer Stations, to handle a portion of the commercial waste that has continued to pour into these three communities.

Accordingly, we enthusiastically support Intro 493, which would formally require the Department to submit a plan for accepting commercial waste at the city-owned Marine Transfer Stations. The Commissioner has noted that using the city's Marine Transfer Stations ("MTS") might not be cost-competitive with some privately-operated [and poorly run] land-based waste transfer stations, and that the Department has asked private carters to indicate, in their RFP submissions, if they are interested in using the Marine Transfer Stations. But Proposed Intro 493 should go further. It should direct the Department not only assess the current prospects for increased use of the MTS facilities but to identify ways to encourage and incentivize use of the Marine Transfer Stations, so as to achieve the objectives of this strategy set forth in the city's 2006 Solid Waste Management Plan.

Finally, we favor adoption of Resolution 167. It urges the Legislature to amend the State's successful 1982 New York State Bottle Bill law by including non-carbonated beverages and liquor & wine bottles into the program, and by boosting the deposit from five to ten cents per container. Such changes would make the New York law consistent with those in leading bottle bill states; reduce street and highway litter; increase public participation in recycling; and improve the effectiveness of the city's own recycling program, saving taxpayer dollars as a result.

Thank you for your attention. We stand ready to work with you and your Council colleagues to continue advancing the transformation of commercial waste handling in New York City – moves that will positively affect the lives of millions of New Yorkers.



**TESTIMONY
OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP
BEFORE THE
NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
February 22, 2023
New York, N.Y.**

Good morning. My name is Ryan Thoresen Carson, and I am the Environmental Campaign Coordinator for the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, not-for-profit research and advocacy organization. Consumer protection, environmental preservation, public health, healthcare quality, higher education affordability, and governmental reforms are our principal areas of concern.

We appreciate the opportunity to testify before the New York City Council Committee on Sanitation and Solid Waste Management on the need for real solutions to the city's solid waste crisis. We are very excited to testify today about the need to expand and modernize the state's incredibly successful Bottle Bill. NYPIRG has spent much of the past year working with over 300 organizations across the state on this critical campaign to boost recycling rates, reduce waste, and save taxpayer dollars. We strongly support Resolution 0167-2022 and look forward to its passage.

Introduction

We have a solid waste, toxics, and plastic pollution crisis. A January 2022 international report found the world is beyond the toxic tipping point. This scientific study, published in the journal *Environmental Science & Technology*, found that "the total mass of plastics now exceeds the total mass of all living mammals," a clear indication that we've crossed a boundary.¹ Crucially, production of single use plastics shows no signs of slowing down and has been exponentially increasing. Since 1950, there has been a fifty-fold increase in plastic production. This number is expected to triple by 2050.²

The scale of the solid waste issue in New York City is truly massive. New York creates over 14 million tons of trash every year.³ Between July 1, 2020, and June 30, 2021 New York City shipped out 3.4 million tons of household trash, up from 3.2 million tons just the year before.⁴ New York City's solid waste disposal practices place a tremendous burden on environmental justice communities. For one, waste is trucked to garbage transfer facilities that are often in the City's environmental justice communities. Additionally, a large portion of the City's solid waste is then brought to the Covanta garbage incinerator in Newark, New Jersey, in an environmental justice neighborhood. The hazards of breathing air contaminated by heavy truck traffic and incinerator emissions is

¹*Environmental Science and Technology*, "Outside the Safe Operating Space of the Planetary Boundary for Novel Entities," January 18, 2022, <https://doi.org/10.1021/acs.est.1c04158>

² Carrington, Damien, "Chemical pollution has passed safe limit for humanity, say scientists," *The Guardian*, January 18, 2022, <https://www.theguardian.com/environment/2022/jan/18/chemical-pollution-has-passed-safe-limit-for-humanity-say-scientists>

³ Goldenberg, Sally, "New York City fails zero waste pledge. Why it's going backward." *Politico*, April 22, 2022, <https://www.politico.com/news/2022/04/22/zero-waste-new-yorkers-recycle-00026708>

⁴*Ibid.*

well-documented, including increased rates of asthma and respiratory ailments. On top of that, the cost to the city is tremendous as well, with the total cost of disposal costing the city \$452 million dollars.⁵ Waste reduction efforts will not only clean up our city, but also save taxpayers money.

The Bottle Law

2023 is the 40th anniversary of initial implementation of the state’s Returnable Container Act, affectionately called the “*Bottle Bill*.” Enacted in 1982, the ‘Bottle Bill’ requires a 5-cent refundable deposit on eligible beverage containers to encourage their return to avoid litter and waste. Upon passage, the Bottle Law covered only beer and soda sold in New York. (It was subsequently expanded to cover wine coolers and water bottles.)

The Law requires retailers who sell covered beverages to accept returns of empty containers for the products they sell and to refund the deposits. The Law also requires beverage distributors to compensate retailers for the cost of collecting and recycling empty containers by paying them a small handling fee per container.

New York’s Bottle Bill has been the state’s most effective recycling and litter prevention program. According to the Department of Environmental Conservation (DEC), the Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled.⁶

After its four-decades of success, we believe that the Bottle Bill should be modernized by expanding the law to include popular non-carbonated beverages, wine, spirits, and hard cider and increasing the redeemable deposit value to 10-cents to increase the rate of recovery.

Modernization of the 40-year-old Bottle Bill will further enhance litter control (most notably in underserved lower income communities), help stimulate recycling efforts, encourage the use of refillable containers, and is a matter of economic justice that will provide badly needed funding for communities that face low redemption rates due to inadequate access to retailers and redemption centers. States with bottle deposit laws have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.⁷ The national group ReLoop stated in a 2022 report that the bottle bill’s expansion and deposit increase to a dime would likely result in a 90% recycling redemption rate.⁸

Recent developments in global waste policy make an even stronger case for this new measure. China, which had been accepting massive amounts of our waste, stopped accepting such imports in 2018, resulting in these recycled wastes being the responsibility of local governments.⁹ These municipal recycling systems are not equipped to deal with the high amounts of waste that have flooded their systems. The state had been made aware by their own agencies that New York needed further waste diversion tactics. The DEC has called for an expansion of the program since their 2010 *Beyond Waste* plan.

New York City and other municipal recycling programs are particularly struggling with glass breaking in their recycling streams. When glass breaks in curbside containers it can “contaminate” or render unrecyclable for the municipality much of the other materials. The expansion of the Bottle Bill to include non-carbonated beverage containers, wine, spirits, and hard cider would remove from curbside recycling a significant portion of the glass containers that municipal recycling programs are struggling with.

⁵ *Ibid.*

⁶ New York State Department of Environmental Conservation, “New York’s Bottle Bill,” <http://www.dec.ny.gov/chemical/8500.html> Accessed October 2021.

⁷ Container Recycling Institute, Bottle Bills, <https://www.container-recycling.org/index.php/issues/bottle-bills>

⁸ ReLoop Platform, “Reimagining the Bottle Bill,” <https://bottlebillreimagined.org/>

⁹ Quinn, Megan, “National Sword kicked off a wave of MRF investments. 5 years later, tech and funding continue to advance.” *Waste Dive*, Sept. 14, 2022. <https://www.wastedive.com/news/national-sword-five-years-mrf-robotics-recycling-investment/630731/>

Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers that are not covered under the state's Bottle Bill are too high for many municipalities. For example, the costs associated with collecting and processing PET plastic bottles and glass per ton are higher than revenues per ton for scrap material.¹⁰ Expanding the Bottle Bill would reduce or eliminate these costs for municipal programs by creating a financial incentive (the deposit) for consumers to return and an obligation (the law) for retailers to accept these containers, relieving the burden on local government recycling programs.

Expanding a Bottle Bill would be a major financial benefit both for New York's municipalities and the state as a whole. While recycling an additional 5.5 billion containers, ReLoop estimates that expanding the law would save New York's municipalities \$70.9 million dollars annually through waste diversion.¹¹ Not only would municipalities save financially, but diversion on this scale would save an estimated 331,900 metric tons of CO₂, the equivalent of removing 32,000 cars every year.¹² The unclaimed bottle deposits are a revenue generator to the state's General Fund that brings in millions of dollars to support environmental programs statewide. In 2021, the state received \$117 million from unclaimed bottle deposits.¹³ ReLoop estimates that an expanded Bottle Bill would generate between \$171-349 million for state reinvestment.¹⁴

NYPIRG recently commissioned a Siena College Research Institute poll, looking at the popularity of modernizing New York's Bottle Law. *The poll found that 71 percent of respondents favor expanding the recycling program to include bottles and cans for beverages including teas, sports drinks, juices, wine and liquor.*¹⁵ The release of the poll amplified a call from more than 300 community, civic, and environmental organizations to Governor Hochul to modernize the state's bottle deposit law as part of her Executive Budget. A strong majority of New Yorkers are supportive of the program, believe it reduced litter in the state, and support raising the deposit on beverage containers from a nickel to a dime.¹⁶

Benefits of an Expanded Bottle Law To New York City

As referenced earlier, requiring a deposit on containers has helped to boost recycling and reduce litter. Not surprisingly, those overall benefits are ones found in New York City as well. At a minimum, "canners" have financial incentives to collect unredeemed deposit containers and return them to redemption centers. Expanding the containers covered by the law will reduce the stresses put on the city's solid waste systems and increasing the deposit to a dime¹⁷ would further incentivize "canners" to redeem those containers not returned by consumers.

While a material recovery facility (MRF) may argue that increasing the deposit on containers would impact the facility's bottom line and make the costs of recycling prohibitive, that is misleading, as it is not the whole story. Curbside recycling and bottle deposit systems work best in *tandem*. The operational burdens and financial costs of the city's waste management system would be alleviated through an increased deposit. The lost revenue from

¹⁰ Container Recycling Institute, "Cost of Curbside Recycling for Beverage Containers," May 31, 2018, <https://www.container-recycling.org/images/stories/PDF/Fullnetrecyclingcostcurbside10-18-18%20V2.pdf>.

¹¹ ReLoop, "Reimagining the Bottle Bill," June, 2022, <https://bottlebillreimagined.org/wp-content/uploads/2022/06/Reimagining-the-Bottle-Bill-FINAL-JUNE-2022.pdf>

¹² Ibid.

¹³ Container Recycling Institute, "The Fate of Unclaimed or Abandoned Deposits," 2022, <https://www.bottlebill.org/index.php/about-bottle-bills/the-fate-of-unclaimed-or-abandoned-deposits>

¹⁴ Ibid.

¹⁵ Barnes, Steve, *Poll: New Yorkers favor expanded recycling, 10¢ deposit*, *Albany Times-Union*, January 29, 2022, <https://www.timesunion.com/environment/article/poll-new-yorkers-favor-expanded-recycling-10-17748223.php>

¹⁶ Ibid.

¹⁷ The 5-cent deposit established in 1982 has not been adjusted. Had it been merely adjusted for inflation; the deposit would be nearly 15 cents today.

material that would be recycled through the bottle deposit would be relatively insignificant when compared to avoided collection and disposal costs.¹⁸

MRF revenue comes from two streams. While selling the collected recyclable material is a method of funding, it pales in comparison to the money that they make from their throughput fee. Simply put, the city will be charged less, as there will be less waste to handle. Per the Congressional Research Service, “Deposit systems skim potential sources of revenue from curbside programs, but they also reduce the operating costs of curbside programs. Local governments would appear to achieve greater diversion of solid waste from disposal at a lower cost per ton if both a bottle bill and a curbside collection program were in place.”¹⁹

In a report prepared by DSM Environmental Services Inc. for the Massachusetts Department of Environmental Protection, a bottle bill modernization was estimated to reduce costs for Massachusetts municipalities, even after netting out potential lost revenue. The report estimated the total savings to be between \$3.8 and \$6.5 million dollars annually. Because material is diverted to other avenues through the bottle bill, savings are primarily due to reduced collection and disposal costs.²⁰

New York City would see benefits from increased collection of redeemed containers

- **There would be less trash for the city to collect, transport, and dispose of.** From an environmental standpoint, expanding the number of containers included in the bottle bill would very likely increase recycling rates of these containers, relieve MRFs from a portion of a low-value and difficult-to-manage material and provide opportunity for additional container glass to make its way through the redemption system where it has a much higher likelihood of being used in new container manufacturing and other higher use recycling outlets. The quality of the recycled product from both glass and plastic material returned to redemption centers is of a higher quality and of much more value.²¹ Initial estimates indicate that from a purely capacity-related standpoint, regional glass manufacturers have capacity to use the amount of additional cullet (glass collected for remelting) that may be made available if wine and liquor bottles were included in the deposit system.²²

Adding a deposit on non-carbonated drink containers, including liquor and wine bottles, not currently covered by the law would help to divert these glass bottles from the city’s municipal recycling and waste streams. As mentioned earlier, increasing the deposit would immediately boost recycling rates. *There is no reason to doubt that boosting recycling rates will benefit the city – particularly if it is no longer responsible for the collection, transportation, and disposal of the containers. This would bring New York City to its 2020 diversion goal of 33%.*²³

- **Economically struggling New Yorkers would get an income boost.** Even if there is an increase in recycling rates, the “canners” mentioned earlier should see a boost in income.

¹⁸ Container Recycling Institute, “Cost of Curbside Recycling for Beverage Containers,” May 31, 2018, <https://www.container-recycling.org/images/stories/PDF/Fullnetrecyclingcostcurbside10-18-18%20V2.pdf>

¹⁹ Bottle Bills and Curbside Recycling: Are They Compatible? James E. McCarthy, Specialist, Environment and Natural Resources Policy Division. January 27, 1993.

²⁰ 3 DSM Environmental Services, Inc for Massachusetts Department of Environmental Protection, “Analysis of the Impact of an Expanded Bottle Bill on Municipal Refuse and Recycling Costs and Revenues – FINAL LETTER REPORT”: July 21, 2009.

²¹ Container Recycling Institute, “Bottle bills produce high-quality recyclable materials,” <https://www.bottlebill.org/index.php/benefits-of-bottle-bills/bottle-bills-produce-high-quality-recyclable-materials>.

²² Jacoby, Mitch, “Why Glass Recycling in the US is Broken,” *Chemical and Engineering News*, February 11, 2019.

²³ Department of Sanitation, “Recycling Diversion Goals,” <https://www1.nyc.gov/assets/dsny/site/recycling-diversion-goals>

For many of New York's most marginalized residents, income from collecting unredeemed deposits is a needed lifeline. By doubling the deposit, New York could significantly increase the income of many people who rely on the practice of "canning," collecting bottles and cans for unredeemed deposits, while simultaneously reducing the environmental inequities between more and less prosperous communities regarding litter and container pollution.²⁴

- **New York State's Environmental Protection Fund (EPF) would see more revenues and could provide more help for the city's recycling and environmental programs.** *Under current law*, for deposits that are not redeemed, New York State controls those nickels and then allocates 80% of those unredeemed deposits to the state general fund and environmental protection fund, and 20% is retained by distributors.²⁵ Increased EPF revenues can help the city.

Most notably, the DEC relies on EPF money to buy land and conservation easements to protect the quality of New York City's drinking water supply in the Catskill/Delaware watershed region. Without open space protection in the Catskill region, New York City would have to spend billions of dollars on water filtration.

In addition, advocates are urging that additional revenues also be targeted to expanding redemption opportunities in what they call "redemption deserts" communities that currently lack both adequate access to food stores as well as Bottle Law redemption centers. There are 19 New York City communities that are among those "redemption deserts." The New York City Housing Authority recently advocated for bringing redemption infrastructure to their buildings. Forty percent of residents already utilize redemption centers while also reporting that non-residents collect redeemables on NYCHA grounds.²⁶

New York City Council has long fought to end reliance on incineration and landfill use in its push to move towards a zero waste approach. The passage of Resolution 0167-2022 will further that mission. It is critical that our representatives in Albany move swiftly, so that New York can divert waste more effectively, while also ensuring the best outcomes for the city's environmental justice communities.

Thank you for the opportunity to testify today. NYPIRG looks forward to working with the New York City Council so that New Yorkers may experience a cleaner, more sustainable city.

²⁴ Kaori Gurly, L., NYC's Last Non-Profit Can Redemption Center Is Fighting to Stay Open," *Vice*, May 28, 2020, <https://www.vice.com/en/article/v7ge39/nycs-last-non-profit-can-redemption-center-is-fighting-to-stay-open>.

²⁵ National Conference of State Legislatures, "State Beverage Container Deposit Laws," March 13, 2020, <https://www.ncsl.org/research/environment-and-natural-resources/state-beverage-container-laws.aspx>.

²⁶ NYCHA, "NYCHA 2.0 Waste Management Plan." April 22, 2019. <https://www1.nyc.gov/assets/nycha/downloads/pdf/n20-waste-management-plan.pdf>



**Testimony of Alia Soomro, Deputy Director for New York City Policy
New York League of Conservation Voters
City Council Committee on Sanitation and Solid Waste Management
Jointly with the Committee on Small Business
Oversight Hearing on Preparing NYC Businesses for Commercial Waste Zones
February 22, 2023**

Good afternoon, my name is Alia Soomro and I am the Deputy Director for New York City Policy at the New York League of Conservation Voters (NYLCV). NYLCV is a statewide environmental advocacy organization representing over 30,000 members in New York City. Thank you, Chair Nurse and Chair Menin, and members of the Committees on Environmental Protection and Small Business for the opportunity to testify today.

NYLCV strongly supported the passage of Local Law 199 of 2019, establishing the City's first Commercial Waste Zones (CWZ) program. Currently, businesses across the City can contract with any of the nearly 80 commercial waste companies to collect their refuse, leading to circuitous pick-up routes, risks to pedestrians and cyclists, increased air pollution and traffic congestion. This inefficient system is not conducive to a city fighting climate change and rectifying past environmental harms.

Championed by a wide group of stakeholders, this law will overhaul the City's antiquated and inefficient commercial waste management system by dividing the City into 20 zones, limiting each zone to a maximum of three of private sanitation companies selected through a competitive bid process and holding companies to higher standards.

However, we are still waiting for the law's full implementation. While we understand the importance of starting off on the right foot and learning from other cities' attempts at overhauling its waste system, it is imperative that the City carries out this law in a timely manner. We urge the City to dedicate the requisite amount of resources and funding for staffing, education, and outreach to fully implement the CWZ law. If implemented effectively, the CWZ law could bring us closer to New York City's Zero Waste goals, improve air quality, curb the City's tailpipe pollution and carbon emissions, cut down on traffic congestion, and improve the safety of workers, pedestrians, and cyclists.

With this in mind, NYLCV supports Intro 493-2022, requiring DSNY to establish a plan for accepting commercial solid waste at City-owned marine transfer stations, and Intro 933-2023, requiring the establishment of a commercial waste zones working group. Together, these two bills will support the implementation of the CWZ law by cutting down on vehicle air pollution, and prioritizing transparency and accountability.

Intro 493 will help redirect commercial waste away from waste transfer stations located in environmental justice communities and cut down on air pollution and greenhouse gas emissions by using barges to collect commercial putrescible and non-putrescible waste from City-owned, state-of-the-art marine transfer facilities. According to the Newtown Creek Alliance, [a single barge can carry as much garbage as twenty-eight tractor-trailer trucks](#). This bill will also reinforce [the City's Solid Waste Management Plan](#), which mandates a shift from waste export by long-haul trucking to a system of marine and rail transfer stations spread throughout the five boroughs. Intro 933 is another positive step in ensuring the CWZ law is effectively and transparently implemented by establishing a working group consisting of representatives from DSNY, City Council, commercial waste carters, environmental justice communities, and more.

As the City works towards implementing the CWZ law, we must also connect the dots with other landmark climate laws, especially New York State's Climate Leadership and Community Protection Act. We must seize this opportunity to require a transition to zero-emission vehicles for commercial sanitation trucks, ensure adequate charging infrastructure is installed by working with utilities, and give extra consideration for carters with the most aggressive plans to do so. Requiring cleaner fleets as part of the City's move to commercial waste zones is also the best way to bring measurable air quality improvements to neighborhoods that house a disproportionately high number of haulers and waste processing facilities. It is not good enough to require citywide emissions reductions. We should also strive for more localized benefits. Lastly, the City must continue working towards reducing the amount of waste we produce in the first place by prioritizing our long-established Zero Waste goals and build on the Mayor's State of the City pledge to bring curbside collection of our food and yard waste to the entire City by passing Intro 244.

NYLCV supports Intros 493 and 933 and looks forward to the City fully implementing the CWZ law in a way that prioritizes efficiency and traffic and worker safety. Thank you for the opportunity to speak.

REBNY Testimony | February 22, 2023

The Real Estate Board of New York to The City Council Committee on Sanitation and Solid Waste Management and Committee on Small Businesses Hearing on Commercial Waste Zones

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY appreciates that the Committee on Sanitation and Solid Waste Management and the Committee on Small Businesses are holding this joint hearing to update the public on with the current state of the Commercial Waste Zone Program, which is much needed. REBNY has also provided brief comments on Intro. 933, which would establish a Commercial Waste Zone Working Group.

Commercial Waste Zone Program Oversight

REBNY has been actively involved in the development of the Commercial Waste Zone Program since inception, providing input from some of the biggest customers who will be impacted by this effort. All along, REBNY has sought to assure that this program can be effective in meeting its many goals, including safer streets and less air pollution from commercial waste trucks, while keeping customer prices down and quality of service high. All of these factors are vital to creating a healthier and more vibrant city.

There have been significant changes to the commercial waste landscape since the plan was first unveiled. First, the commercial waste industry has undergone much adjustment. In addition, the pandemic continues to alter the way office space is used, with many workers spending at least some of their time working from home. Obviously, this will mean less commercial waste coming out of many buildings. We are interested to hear how the Department of Sanitation might adjust its plans accordingly.

REBNY is also aware that this program has been delayed again in recent months. As such, we are eager to understand the causes of this delay, how those causes will be remedied, and what the

new schedule for implementation is. We appreciate that this effort is extremely complicated, and support a delay that is in service of ensuring the program is right, instead of rushing forward and getting it wrong. Therefore, we once again thank these two committees for taking on this topic.

Intro. 933

This bill would establish a working group of no more than 20 members selected by the Mayor and the City Council Speaker to study the implementation of the Commercial Waste Zone Program. The group would make recommendations on how to best meet the goals of the program, including a reduction in pollution and impacts to customers.

The bill specifies the qualifications or backgrounds of most of the 20 appointees, including carters, environmental justice advocates, and agency staff, among others. A major group that is not guaranteed to be on the working group are consumers from throughout the City who will be directly impacted by commercial waste zones. We believe that the working group should be expanded to include at least 5 professionals from the commercial buildings and business perspective, who will best understand and advise on how policies can impact the customer base.

As an organization that has been heavily involved in this effort throughout, REBNY would like to serve on the working group. We look forward to working with Sponsor Nurse, the two committees, and the Council and Administration on this matter.

Thank you once again for the opportunity to submit this testimony.

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TESTIMONY SUPPORTING NEW YORK CITY COUNCIL RESOLUTION 167

Committee on Sanitation and Solid Waste Management Hearing
February 22, 2023

My name is Jane Selden. I'm the co-chair of WasteNøt, a 350NYC working group focused on reducing plastic pollution, minimizing food waste, and advocating for universal composting. As a climate activist group, 350NYC recognizes that the world can't achieve its greenhouse emission reduction goals without seriously addressing the cradle-to-grave environmental impact of the single-use plastic. If plastics were a country, it would be the fifth largest emitter of greenhouse gases in the world. The sourcing, production and disposal of plastic not only contributes to the climate crisis but has a disproportionate impact on the health of low-income communities and communities of color who live near fracking sites, petrochemical plants, waste transfer stations, landfill, and incinerators. We urgently need strong Extended Producer Responsibility legislation that holds the companies that produce plastic financially responsible for the waste they produce. **For this reason, 350NYC firmly has been advocating for the new improved Bottle Bill (S.1067) and fully supports New York City Council Resolution 167.**

The NY Bottle Bill, passed in 1982, has proven to be a successful example of Extended Producer Responsibility policy. Placing a value, in the form of a refund deposit, on beverage containers incentivizes recycling, produces high quality, truly recyclable material, and keeps beverage containers out of the waste stream and off our streets. However, it's time for this bill to be modernized and expanded. The new "Bigger, Better" Bottle Bill expands the types of containers to include wine, liquor, cider, "nips," and most non-carbonated beverages, and increases the deposit fee from five-cents to ten-cents. States like Michigan, Oregon and Maine that have higher fees have substantially higher rates of returns. In New York, the return rate is currently 64%; in Michigan, which has a ten-cent deposit, the return rate is an impressive 89%.

Increasing the rate of return to redemption centers and stores will also reduce greenhouse emissions, not only by diverting more beverage containers from landfill and incinerators, but by enabling more closed loop recycling of aluminum, glass, and PET plastic containers. When beverage bottles are deposited in curbside recycling bins, there is a much greater chance for contamination and glass breakage than when they are returned to stores and redemption centers. When more containers are returned uncontaminated, there is more recyclable material. Creating new products from recycled material requires much less energy than producing them from virgin material.

Motivating more consumers to return beverage containers would also reduce the litter that is an all-too-common sight in New York City streets. This street trash is more than just an eyesore; it clogs our drainage system, exacerbating the flooding on our streets and in our subways from torrential rains. Because of global heating, we can expect that these extreme weather events will occur even more frequently.

Finally, this legislation will also directly benefit the thousands of “canners” in New York City who supplement their income by collecting empty containers and bringing them to stores and redemption centers. Canners are generally low-income undocumented immigrants, people experiencing homelessness, women, and the elderly. Forty years after the original Bottle Bill passed -- at time when the minimum wage was \$3.15 an hour -- they are still being paid the same redemption fee. These canners provide an important service to New York City and deserve a raise.

Thank you.

Jane Selden
Co-Chair, WasteNøt/350NYC

Wednesday, February 22, 2023

**Testimony Regarding Intro #933 to the Joint Hearing of the
Committees on Small Business and Sanitation and Solid Waste Management**

This commentary regards the Intro (#933) that proposes a “working group” be established with respect to guiding the implementation by the Department of Sanitation of Local Law 199 (of 2019), which calls for the creation of a system of commercial waste zones (CWZ).

It is offered on behalf of the Chambers of Commerce of Brooklyn, Queens, the Bronx, Manhattan, and Staten Island, which collectively represent thousands of small, medium and large businesses in New York City.

We make one simple request for consideration by both Committees: that the working group include at least five (5) representatives of business and industry – the customers of commercial waste service providers, especially those that will be the most directly impacted by CWZ implementation.

Our previous commentaries during the Council’s consideration of a commercial waste zone system expressed considerable concern and skepticism about its viability, and its potential impacts on businesses of these essential services.

Nothing since then has assuaged those concerns, especially since we have not been informed or directly consulted – other than through the CAPA process for development of implementation rules and regulations. We are well aware of the potential for chaos and price-shocks of such a complex and unprecedented system – as shown by a somewhat simpler version adopted by the City of Los Angeles – and therefore wish to participate in the process of developing the final plans for implementation.

To that end, and regardless of whether a working group is created, we especially wish to understand an updated rationale for a commercial waste zone system given the significant impacts on the city’s economy of the COVID pandemic, to be informed of the essential data that will serve as the benchmarks for guiding the

CWZ system and determining its successes and challenges, and to have input into the Department’s overall implementation plans.

Thank you for your consideration of this request.

Respectfully submitted,

Sincerely,



Randy Peers
President & CEO



**Support for Resolution 0167-2022
New York City Council
February 22, 2023**

New York City Council
250 Broadway
New York, New York 10007

Re: Resolution calling upon the New York State legislature to pass and the Governor to sign S237 legislation to amend the environmental conservation law in relation to returnable bottles.

Dear New York City Council Members,

Thank you for the opportunity to comment on this important resolution.

Grassroots Environmental Education is a national science based environmental health nonprofit based in New York, serving local and state governments, school systems, health, environmental and civic organizations and health professionals. Our mission is to educate the public regarding the link between environmental exposures and human health and environmental impacts. We develop evidence based educational programs, resources and solution tools in consultation with a network of leading medical and scientific experts.

Grassroots Environmental Education strongly urges the Council's support and swift adoption of Resolution 0167-2022. The bill this resolution supports will significantly impact New York's waste and plastic crisis by expanding and modernizing the state's bottle bill, the New York State Returnable Container Act, first enacted in 1982.

The entire life cycle of plastics is wreaking havoc on our health, the environment and climate, releasing vast amounts of greenhouse gases and toxic air pollutants that are linked to cancer, reproductive damage and cardiovascular and lung disease. Plastics are made from fossil fuels and include large amounts of chemical additives during their manufacturing process. According to a recent report from the U.S. Department of Energy, the plastic recycling rate has hit a new low of approximately 5%, down from less than 9% in recent years. This means an increased demand for more space in landfills and increasing quantities of plastics diverted to heavily polluting incinerators. Eventually, all plastic breaks down into microplastics, which are found in our air, water, soil and our bodies and bio-accumulate in our food chain. Left unchecked, the ocean is expected to

contain one ton of plastic for every three tons of fish by 2025 and within the next three decades, will contain more plastics than fish. A recent report indicated that the production and incineration of plastic will add more than 850 million metric tons of greenhouse gases to the atmosphere annually, which is equivalent to the emissions from 189 coal fired power plants.

New York State's bottle redemption program has been highly successful, with a 65% bottle return rate for the limited number of containers currently covered under that law. In contrast, states without bottle redemption programs have a reported recycling rate of only 24% as part of curbside recycling programs. A more expansive bottle bill like the one enacted in Maine with an 84% redemption rate, would add more types of beverage containers, increasing recycling rates and keeping plastic beverage bottles out of our waterways.

Municipalities are also bearing the economic burden of our waste crisis. Expanding the bottle bill to include wine, spirits, hard cider and non-carbonated beverages would provide much needed relief for municipalities, increase recycling rates and reduce recycling costs and litter. Importantly, an updated bottle bill law would provide increased economic opportunities for New Yorkers who collect and redeem deposit-marked beverage containers ("canners") with an increase in the container redemption rate to 10 cents. Additionally, it will drive increases in recycling rates and add revenues collected by the state to improve compliance and access to redemption centers, especially in underserved communities.

Every year, the U.S. loses \$5.1 billion in valuable and reclaimable beverage containers of all kinds, to litter and polluting incinerators and landfills. According to reported estimates from the New York State Department of Environmental Conservation, the current bottle bill has reduced litter from beverage containers by 70%, even with the limited number of container types covered under the existing law. Expanding and updating the Bottle Bill will go a long way in improving outcomes, which is a win-win for everyone.

In closing, Grassroots Environmental Education strongly urges the New York City Council's support and swift adoption of Resolution 0167-2022.

Thank you for the opportunity to provide these comments to the Council.

Respectfully submitted by,

Ellen Weininger
Director of Educational Outreach
ellen@grassrootsinfo.org



February 22, 2023
GreenFeen & GreenFeen OrganiX Testimony
NYC Committee on Sanitation & Solid Waste Management
Preparing NYC Businesses for Commercial Waste Zones

Good Afternoon and thank you for the opportunity to testify today. My name is Dior St. Hillaire, and I am the founder of GreenFeen, an educational consulting firm, using Hip Hop to promote wellness through Environmental Sustainability. As a Bronx based worker-owned cooperative through GreenFeen OrganiX, we collect and process organic waste locally. Our model is particularly designed to encourage local systems because we see the value in limiting the export of our waste, not only for our environmental and economic benefit but for the recipients of our waste which are also other Environmental Justice communities. As a Co-Director of BK ROT, NYC's first community-supported, bike-powered, Microhauling and composting service, I am able to witness the impact these policies have on our model and how they make us vulnerable and at times undermine our ability to work together in order to create a more sustainable organics diversion system within this city.

We are in support of Intro 493 as well as Intro 933 because we see the positive impact this can have directly on small businesses. As a Microhauler and long time advocate for this system we are at a critical point where certain Haulers within the industry have shown their willingness to invest in Microhaulers and the infrastructure necessary to create a better system that works for all. In order to work together for a cleaner and greener city we need a clear plan forward. However with the delay of the implementation of Commercial Waste Zones we are all stalled with no clear direction on how to grow our small business operations. As a Forefront Fellow with Urban Design Forum my team is specifically focused on studying Commercial Organics and understanding what will be necessary for small business owners to fully participate in this model citywide.

We believe that once New Yorkers can make the clear connection between diverting scraps and decreasing the rodent population we can more successfully get residents and businesses to align in their waste handling practices of the organics stream. However, without clear investment from city and state agencies, what we face is a disposable culture leaving residents confused, frustrated, and disconnected from the larger purpose.

Supporting food donation efforts along with local diversion goals, where feasible every business has the opportunity to be educated by Microhaulers. These contracts should prioritize MWBE businesses, worker-owned cooperatives, Microhaulers, and Community Based Organizations. Unfortunately enforcement is not active and we constantly see how participants are still falling short of outlined diversion standards and goals. As New Yorkers, we deserve access to clean



air, a clean environment, meaningful and safe jobs amongst a host of other things. Resolution 0167 also has our support as we believe in the local work canners do to contribute to reimagining our current waste system.

Our work as Microhaulers go far beyond simply collecting commercial organic waste. We are the community development programs that we speak of, we are the residents that are a part of this local economic system, we encapsulate the future of local waste practices that center workers, equity, and the environment in all that we do. The networks are here and we must honor these relationships, the innovators, and the creatives who have already started the work while figuring out how to scale and allow access for others to get involved.

I will leave you with this final rhyme for this time.

So now we wait just to understand
How moving of organics is the master plan
Businesses and residents, just alike
Need very clear direction one message alike
Not, 3 or 4 or even 5
Decrease contamination
For the soil to thrive
Not landfill or incinerate
Compost is more than disintegrate
We bring communities to the conversation
Actively inspiring their participation
So, CWZ let's get a plan
For the future of us all on this stolen land

Thank You

N Y L P I

**JUSTICE THROUGH
COMMUNITY POWER**

**Testimony of Justin Wood, Director of Policy of
New York Lawyers for the Public Interest
to the Committees on Sanitation and Small Business
on February 22, 2023 Regarding
Implementation of Local Law 199 (Commercial Waste Zones) and
Intros 493 and 933.**

Good afternoon. My name is Justin Wood, and I am the Director of Policy at New York Lawyers for the Public Interest (NYLPI). We are a founding member of the Transform Don't Trash NYC coalition which for almost ten years has advocated for fundamental reform of the city's sprawling, inefficient, dangerous, and environmentally harmful private sanitation system. Thank you to Chairs Nurse and Menin for holding this hearing and for the opportunity to testify today.

Robust and rapid implementation of Local Law 199 is critical to address climate emissions and will make our businesses more sustainable.

The Commercial Waste Zone system will be a win for safer streets, better working conditions, climate, and environmental justice.

Specifically, from a small business perspective, our city needs to move full speed ahead with implementation of Commercial Waste Zones to give our businesses far more opportunities to recycle, compost, and donate the huge quantities of waste that private haulers currently truck to landfills and incinerators. According to New York Climate Action Council's Scoping Plan, waste is responsible for 12% of our greenhouse gas emissionsⁱ – a higher proportion than previously estimated by the City – and reducing the amount of waste landfilled and incinerated is a top priority in this sector.

The uniform data collection, reporting requirements, and zero waste plans that will be part of the CWZ contracts required by Local Law 199 are urgently needed to:

- a) fully assess the quantities of NYC commercial waste going to landfills and incinerators;

- b) design comprehensive programs to ensure that food donation, composting, and recycling are rapidly scaled up; and
- c) ensure that small businesses and large businesses alike have access to recycling and food donation programs that are accessible, easy to use, transparent, and which would result in cost savings compared to landfilling and incineration.

The sooner we can accomplish these goals, the sooner New Yorkers will be able to enjoy the benefits the Commercial Waste Zones law was designed to bring, both to the climate and to small businesses and the economy.

While data on the current, chaotic commercial waste system remains murky, the information we do have suggests that recycling, composting, and food donation services remain piecemeal and that NYC recycling rates may have declined in the last few years as CWZ implementation has been delayed, further pressing the need for robust and rapid implementation:

1. DSNY testified in a January 30th hearing on food donation that enforcement of existing commercial recycling rules is minimal, even since the expansion of commercial organics rules last year.
2. Annual reports for transfer stations and recycling facilities suggest that recycling rates may have declined in recent years. At one major combined transfer station and recycling facility, only 12% of commercial material was diverted in 2021, down from 18% in 2019.
3. These statistics are confirmed by what we can see and smell in our streets every night when mountains of garbage bags are set out for commercial waste collection. A group of NYLPI volunteers did a "spot check" on commercial food waste generation last summer in Manhattan, as enforcement of organics rules was set to begin. What we saw was shocking – large bags of fresh, edible bread, bagels, vegetables, and just-expiring dairy products in black trash bags on the street set for disposal, even at large chain businesses that claim to be composting.

We need to ensure that large and small businesses alike have access to reliable, affordable, and convenient recycling, composting, and food donation services and that intensive, ongoing customer education and waste assessments are available in multiple languages throughout the transition to the new CWZ system. We appreciate DSNY's January 30th testimony that the CWZ system could be used to make food donation programs more accessible to businesses and to better track quantities of donated food.

Existing, innovative businesses in the waste sector are ready to scale up to meet these needs including local micro haulers, food rescue organizations, and waste auditors. The upcoming contract negotiations with designated haulers are a key opportunity to create

effective and replicable waste diversion strategies across various business sectors throughout the city, and to assess progress via the data to be publicly reported in the new CWZ system.

New York continues to lag cities with efficient, high-diversion commercial waste systems.

Cities with well-designed commercial waste systems based on efficient zones and comprehensive, enforceable contracts have continued to outperform NYC on commercial waste diversion even during a pandemic that disrupted so many sectors of the economy.

For example:

In 2021, Seattle's commercial sector diverted 63% of waste from disposal, and composted an impressive 20% of the commercial waste stream while emerging from a pandemic that upended business on the whole.ⁱⁱ This is because they continue to utilize robust commercial system governed by robust contracts with only a few commercial waste companies that ensures that small and large businesses alike have functioning, transparent, and fairly priced composting and recycling services that are easy to use.

Similarly, San Francisco has continued to offer the "Fantastic Three" recycling and composting service to small businesses and residential customers alike through a single contracted waste hauler, with collection fees discounted for compost and recycling bins. The combined diversion rate for small business and residential customers remains above 50% after falling off pre-pandemic peaks of as high as 60%.ⁱⁱⁱ

Los Angeles, which implemented a franchised commercial and multifamily waste system in 2017, is now expanding composting as a universal, mandatory recycling service in all multifamily buildings, which are served by the same private sanitation companies contracted to serve businesses.^{iv} One of the features of the RecyclA system is an aggressive and enforceable disposed-waste reduction target in each zone which strongly incentivizes haulers to invest in recycling and composting services, robust customer education, and local food donation programs.

It is promising that the largest waste provider in the city met its diversion target, reducing disposed waste by an impressive 27% from 2019-2020. While other contracted haulers fell short of their targets, many reported substantial reductions in disposed tonnage in their zones.^v

As curbside residential compost services expand, DSNY should use CWZ implementation to create consistent source-separation rules and incentivize waste reduction practices in the commercial sector.

Currently, New Yorkers face a confusing and inconsistent set of recycling practices that vary widely between their homes, workplaces, restaurants and stores, and public spaces like parks and transit facilities.

This patchwork – and a complete absence of visible recycling practices in many commercial spaces – lacks transparency, erodes public trust in recycling systems, and contributes to declining recycling rates even as waste diversion becomes a more urgent strategy to address the climate crisis.

The recent announcement that DSNY will expand its voluntary residential curbside composting service citywide is a major step in the right direction. To build trust and educate New Yorkers about effective recycling behaviors, synchronization of residential, business, and public space source separation practices through CWZ implementation is more important than ever.

Intro 493 is needed to advance environmental justice and efficiency in the commercial waste system.

We support immediate passage and implementation of Intro 493, which would require DSNY to create a plan to accept commercial waste at the Department's marine and rail transfer stations.

Investment in publicly owned, state-of-the-art marine and rail transfer stations has been a priority for environmental justice communities that for decades have handled far too much of New York City's residential and commercial waste through clusters of dangerous and polluting truck-based transfer stations.

Investment in DSNY's marine and rail transfer stations has been a priority for environmental justice communities that for decades have handled the far too much of New York City's residential and commercial waste through clusters of dangerous and polluting truck-based transfer stations.

Opening the public facilities to commercial waste haulers was a stated priority of the 2005 Solid Waste Management Plan and they should be included in the CWZ system to increase efficiency in the commercial sector and eliminate even more unnecessary truck miles from overburdened communities.

The marine facilities have substantial excess capacity. For example, the East 91st marine transfer facility was constructed to handle 1,644 tons of waste per day, but was only handling 442 tons per day according to the most recent available annual report published by DEC.^{vi}

Allowing commercial haulers to tip waste at marine and rail facilities proximate to the zones designated by LL199 would make routes more efficient and could also level the playing field for small- and medium-sized waste companies that do not own transfer facilities.

Intro 933 will facilitate ongoing stakeholder engagement in the CWZ transition.

Finally, we are supportive of Intro 933, which would create a working group composed of community, labor, and industry stakeholders to advise DSNY on the ongoing implementation of the CWZ system. By design, Local Law 199 is a comprehensive and complex reform that should result in better service for businesses, tangible benefits for environmental justice communities, safer streets and working conditions, family-sustaining green jobs, a stable financial environment for waste haulers, and major greenhouse gas emissions reductions. The working group created by this law would engage critical stakeholders over the short- and medium-term implementation of this transformative reform.

In that spirit, it is critical that we work together to maintain New York City's national and global leadership in sustainability, job creation, safety, and innovation. We look forward to continued collaboration with DSNY, business owners, commercial waste companies, and the City Council to implement this landmark reform.

Justin Wood

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For more than 40 years, NYLPI has fought to protect civil rights and achieve lived equality for communities in need. NYLPI combines the power of law, organizing, and the private bar to make lasting change where it's needed most. Our Environmental Justice program fights environmental racism, works to eliminate the unfair burden of environmental hazards borne by low-income communities and communities of color, and seeks to create a more equitable and sustainable city. www.nylpi.org

ⁱ <https://climate.ny.gov/-/media/project/climate/files/Chapter-16.-Waste.pdf>

ⁱⁱ <https://www.seattle.gov/documents/Departments/SPU/Documents/Reports/SolidWaste/WastePrevention-RecyclingReport-2021.pdf>

ⁱⁱⁱ <https://sfgov.org/scorecards/environment/residential-and-small-business-landfill-diversion>

^{iv} <https://www.latimes.com/lifestyle/story/2023-02-09/how-to-compost-food-waste-for-multi-unit-households>

^{vi} DEC annual reports for transfer stations are available at: <https://www.dec.ny.gov/chemical/23678.html>



February 2023

There's Lots of "Bottle Bill" Activity Right Now, But Not in Any Organized Way.

Some samples:

There are dozens of bills pending in Albany that would amend the Returnable Container Act (RCA-the "Bottle Bill"). A few examples:

- Adding an extensive range of new containers, including wine, liquor, fruit juices, energy drinks, milk, even single-use cannabis containers.
- Increasing the container deposit from 5¢ to 10¢, and increasing the handling fee dealers and redemption centers get for sorting and returning empties from 3.5¢ to 6¢/container.
- Appointing a task force to study container redemption fraud.
- Requiring an expiration date on container redemption receipts.
- Authorizing state audits of Reverse Vending Machines (RVMs).

The Department of Environmental Conservation has begun a rulemaking proceeding to revise its regulations implementing the RCA.

A New York City Council committee is considering a resolution supporting RCA changes, including adding wine and liquor bottles.

Do a Comprehensive Study of the "Bottle Bill" First, Fix It, Then Change It.

While New York's RCA has achieved many of its objectives, its operation, especially on the back end of container return, has remained largely unexamined.

It's time. Before greatly expanding the law's coverage and tacking other piecemeal changes onto the rickety structure of this 40-year-old law, the state should commission an in-depth study of:

- New York's experience with the RCA,
- The experience of the 9 other states with RCAs, at least 4 of which (California, Michigan, Maine, and Iowa) are now in the process of changing their RCAs.
- Issues like the effect of expansion, especially adding wine and liquor bottles; alternatives to increasing the handling fee (like grants to dealers and redemption centers to offset costs); and more effective ways to collect empties from dealers

and redemption centers (like Michigan's state-supported third party collection agents).

The study should be conducted by a neutral, independent agency, in a forum in which all stakeholders can participate, and should result in comprehensive recommendations that would make New York's RCA work more effectively, and more fairly, for the environment, for consumers and for businesses.¹

Who We Are: The New York State Association of Beverage Centers (NYSABC) is a statewide trade association representing the interests of the roughly 300 New York State Liquor Authority C licenses businesses, from Montauk to Buffalo. C-licenses are wholesale/off-premises retail beer licenses. The range of items we can sell is limited to beer, soda, water, wine coolers, soft drinks, energy drinks, ice, tobacco products, snack foods, bbq supplies and propane gas. C Licenses are typically small multi-generational family-owned discount beverage centers that are part of the fabric of the communities they serve. Because of their convenience and accessibility C-Licenses have also done the heavy lifting on container redemptions under New York's RCA for 40+ years, especially in the many areas of the state that are not served by free-standing redemption centers.

Ken Rosenblum
Director/Counsel
New York State Association of Beverage Centers, Inc.
nysabc@gmail.com

¹ We recommend the New York State Law Revision Commission, Legislative Law Article 4-A, charged by statute to "examine the common law and statutes of the State and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms".



Northeast Region

NWRA Testimony Before NYC Council Committee on Sanitation and Solid Waste Management February 22, 2023

My name is Lew Dubuque, and I am the Vice President for the Northeast of the National Waste & Recycling Association (NWRA). NWRA represents the private sector waste and recycling services industry. Association members conduct business in New York City and all 50 states and include companies that manage waste collection, recycling and medical waste, equipment manufacturers and distributors, and a variety of other service providers. NWRA represents the hardworking men and women of the industry who collect and manage the waste, recyclables and organics produced by the more than 100,000 commercial entities in this great city.

I would like to thank Chairperson Nurse and the rest of the Sanitation and Solid Waste Management Committee for the opportunity to speak here today.

NWRA and our members are concerned that there has been little information provided by the Department of Sanitation (DSNY) over the last few months as to when we can anticipate the beginning of the implementation process for New York City's new Commercial Waste Zones.

During the three years it took to get to this point, where haulers are currently waiting to see who is selected to serve the many businesses in New York City, NWRA feels the entire process has lost the collaboration that existed during the Commercial Waste Zone's conceptual stage.

We want to reiterate that nowhere in the US has such a zoning program been adopted or implemented to this scale or structure. We fully understand that this is an unprecedented and complex process. NWRA and our members share New York City's goals of promoting a modern and effective industry that is not just focused on providing its core services, but is re-focused on sustainability, zero waste, emissions reductions, and fair labor practices. But we also believe that implementation of such a significant and potentially confusing transition to a commercial franchise system requires a measured, thoughtful, and collaborative implementation process.



Northeast Region

That is why we were very pleased when Chairperson Nurse introduced legislation to create a commercial waste zone working group. NWRA strongly believes that the City's transition from open market to the commercial waste zones will be an historic and complicated undertaking that will take many years to fully implement. The sooner we can begin the process of putting an advisory committee together, the better.

The success of this entire process will be based on not only selecting the right awardees, but also the partnership between all stakeholders and DSNY. That cooperation, if properly aligned, can have a significant impact on the success of the entire process.

So, we are here today to encourage DSNY to announce the franchise awardees as soon as possible, and then engage with the commercial waste zone working group (once it is created) in a deliberate, collaborative process and ensure a successful implementation of the Commercial Waste Zone.

Thank you again for the opportunity to speak before you today.



**Jackson Chabot, Open Plans' Director of Advocacy and Organizing,
Commercial Waste Zones Hearing Testimony**

Feb. 22nd, 2023

Good afternoon, my name is Jackson Chabot, and I am the Director of Advocacy and Organizing at Open Plans, an over 20-year-old non-profit dedicated to safe and livable streets. We are submitting this written testimony today to express our grave concern for the delayed implementation of the Commercial Waste Reform required by law. Nightly, outside of my Brooklyn apartment, I hear the consequences of this as private carters roar up and down 7th Ave, crisscrossing the street with impunity and recklessness. The carters, under the cover of darkness, run red lights and have no regard for other street users as they race to complete their work.

We know this is dangerous. Last year, around this time, a 62-year old man was killed crossing Flatbush Avenue by Atlantic Terminal. [Streetsblog reported](#), “a mangled Target bag and what looked like a walker lay next to it, partially crushed beneath the wheels of the massive hauler, and with what looked like human remains splattered on the pavement.” The combination of a poorly designed intersection, an oversized vehicle, and a system predicated on speed is neither livable nor safe.

Last year, the NY Daily News reported, “The program was formed after private garbage truck drivers sparked a [series of fatal crashes](#) while driving long routes across the city. In an effort to boost profits, many trash haulers assign crews to routes that in some cases took more than 12 hours to complete and the navigation of long stretches.” It is clear that a combination of long routes, long hours, and a pursuit of the almighty dollar has put profit over people. The deadly consequences will continue as long as this law is not fully implemented.

On top of this, environmental justice communities deal with the full brunt of this chaotic system as the current inefficient systems leads to more trucks on our streets and therefore, more emissions as they come and go from their storage lots. A better designed system would ensure that emissions are limited, especially in neighborhoods that already suffer from above normal emissions.

As Justin Wood told Streetsblog earlier this year, “The new system has the potential to eliminate millions of unnecessary and dangerous truck miles on local streets, reduce overwork and fatigue for private sanitation workers, ensure that companies install modern safety equipment on trucks, and will give the City the leverage to hold waste haulers accountable to a comprehensive contract.”

The time is now to implement local law 199 and ensure all New Yorkers have safe streets.

The Real Estate Board of New York to The City Council Committee on Sanitation and Solid Waste Management and Committee on Small Businesses Hearing on Commercial Waste Zones

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY appreciates that the Committee on Sanitation and Solid Waste Management and the Committee on Small Businesses are holding this joint hearing to update the public on with the current state of the Commercial Waste Zone Program, which is much needed. REBNY has also provided brief comments on Intro. 933, which would establish a Commercial Waste Zone Working Group.

Commercial Waste Zone Program Oversight

REBNY has been actively involved in the development of the Commercial Waste Zone Program since inception, providing input from some of the biggest customers who will be impacted by this effort. All along, REBNY has sought to assure that this program can be effective in meeting its many goals, including safer streets and less air pollution from commercial waste trucks, while keeping customer prices down and quality of service high. All of these factors are vital to creating a healthier and more vibrant city.

There have been significant changes to the commercial waste landscape since the plan was first unveiled. First, the commercial waste industry has undergone much adjustment. In addition, the pandemic continues to alter the way office space is used, with many workers spending at least some of their time working from home. Obviously, this will mean less commercial waste coming out of many buildings. We are interested to hear how the Department of Sanitation might adjust its plans accordingly.

REBNY is also aware that this program has been delayed again in recent months. As such, we are eager to understand the causes of this delay, how those causes will be remedied, and what the

new schedule for implementation is. We appreciate that this effort is extremely complicated, and support a delay that is in service of ensuring the program is right, instead of rushing forward and getting it wrong. Therefore, we once again thank these two committees for taking on this topic.

Intro. 933

This bill would establish a working group of no more than 20 members selected by the Mayor and the City Council Speaker to study the implementation of the Commercial Waste Zone Program. The group would make recommendations on how to best meet the goals of the program, including a reduction in pollution and impacts to customers.

The bill specifies the qualifications or backgrounds of most of the 20 appointees, including carters, environmental justice advocates, and agency staff, among others. A major group that is not guaranteed to be on the working group are consumers from throughout the City who will be directly impacted by commercial waste zones. We believe that the working group should be expanded to include at least 5 professionals from the commercial buildings and business perspective, who will best understand and advise on how policies can impact the customer base.

As an organization that has been heavily involved in this effort throughout, REBNY would like to serve on the working group. We look forward to working with Sponsor Nurse, the two committees, and the Council and Administration on this matter.

Thank you once again for the opportunity to submit this testimony.

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resources
remain resources

New York City Council Committee on Sanitation February 22, 2023

Hello Chairs Nurse and Menin and esteemed members of the Sanitation and Small Business Committees.

My name is Elizabeth Balkan and I am the North America Director for Reloop, an international nonprofit organization that uses analysis and multistakeholder engagement to advance policies to accelerate the circular economy.

I am also a former city employee. Between 2014 and 2018, I served as Director of Policy and Senior Advisor to then Commissioner Garcia in the NYC Department of Sanitation. Before that, I worked in the Mayor’s Office on some of the earliest efforts related to commercial organics and commercial waste zoning.

There is a critical need for Bill S237, an act to amend the environmental conservation law in relation to returnable bottles. With the appropriate changes, this measure would bring economic, environmental and social benefits to New York City.

In many jurisdictions outside the US, deposit return systems – what we know as bottle bills – handily achieve 90% or higher redemption rates. By researching high-performing systems and their common elements, Reloop has developed a set of 10 principles that define high-performing bottle bills.

Modern, High-Performing DRS: A Key Part of the Solution reloop

TEN HIGH-PERFORMING PRINCIPLES



Accessible & Accountable

- 1 EASY & EQUITABLE
- 2 90% COLLECTION RATE
- 3 \$0.10 MINIMUM DEPOSIT
- 4 INCLUSIVE CIRCULAR SYSTEM



Industry Financed

- 5 PRODUCER FUNDED
- 6 FAIR PAY FOR SERVICE PROVIDERS
- 7 FINANCIAL SUPPORT FOR MUNICIPAL RECYCLING PROGRAMS



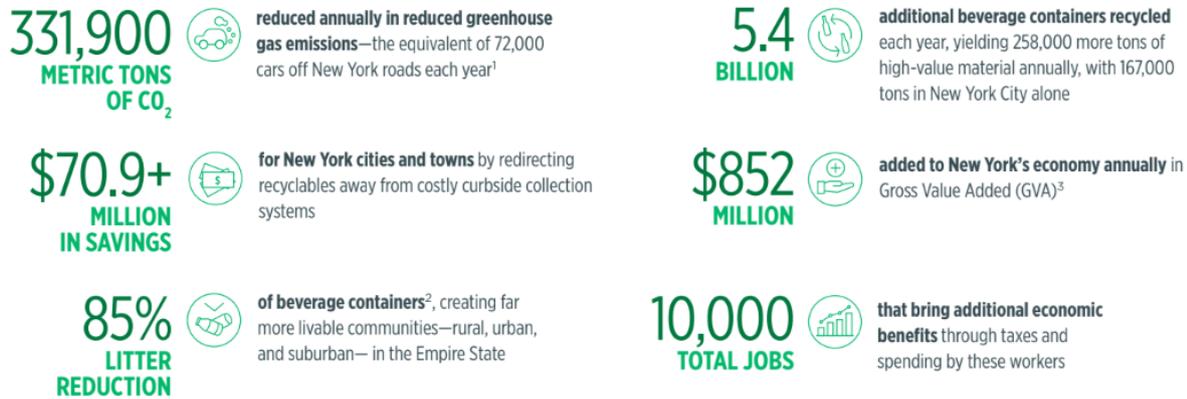
Well Managed & Regulated

- 8 CLEAR SYSTEM STANDARDS & FUNCTIONS
- 9 PRODUCER REPORTING ON UNITS SOLD
- 10 GOVERNMENT OVERSIGHT AND ENFORCEMENT

In 2022, we released analysis demonstrating how using this model to reform existing bottle RS would impact each of the five Northeast bottle bill states. The full results of that study are available at bottlebillreimagined.org. The findings speak clearly to the benefits of and need for bottle bill modernization, especially in New York.



NEW RESEARCH ON NEW YORK SHOWS THE IMPACT:



Accessible & Accountable

Increases access for consumers
with 13,648 projected locations (7,462 in NYC alone) to return containers so redemption becomes part of a New Yorker's daily routine

Includes more beverages containers
so would remove a significant proportion of glass and other containers from curbside recycling that are costly and difficult to manage

64% to 90% jump
in redemption rate for containers included in New York's deposit return system

Industry Financed

Funded by producers
so New York consumers or their cities and towns do not pay for the management of these materials

Creates efficiencies
by establishing clear standards, oversight, and enforcement that optimize performance and reduce fraud

Producers will pay
\$454 million annually - not New York municipalities and consumers, as they do now

Well Managed & Regulated

Government plays an oversight and enforcement role
to ensure performance standards are met by producers and retailers and enforce a 90% collection target in New York

In this written testimony, I lay out recommendations to improve S237, based on the principles above, in order to achieve an optimized bottle bill system in New York.



Accessible & Accountable

PRINCIPLE

1 EASY & EQUITABLE

Make deposit return system (DRS) simple for all consumers to understand and use. Establish a large network of redemption points, focused on retailers, so returning empties becomes a routine part of everyday life. In jurisdictions where the informal sector plays a critical role in collection and redemption, legally recognize and protect the rights of canners.

RECOMMENDATION(S)

- Additional requirements for expanded redemption infrastructure, including specific high-volume redemption requirements
- Distributor take back requirements and / or financial obligations to close the current loophole wherein commercial generators are left with stranded containers and must forfeit the deposit

In New York City currently, many bottle bill containers are collected as recyclables and lost to the system (with their deposits lost to the consumer). Many more, still, are lost to landfills and incinerators. In fact, for every beverage container delivered to SIMS, four more are buried, burned or littered. If you include commercial waste, 10 containers are lost for every one collected for recycling.

There are many reasons for this, though simply put redemption options in NYC are limited, hard-to-find, and inconvenient for most New Yorkers. In the case of businesses, the situation is more dire, still.

For the system to work, redemption options must be oriented to the redeemer – be it a large business, the consumer or, as is often the case in NYC, canners who are collecting high volumes of material. This requires more infrastructure in the form of neighborhood-distributed and canner-friendly redemption centers; building-level, block-face or transit-integrated RVMs for consumers; and distributor take back obligations for commercially generated material, as described further below.

For residential material, we recommend S237 include both a high statewide requirement on total redemption sites and population-specific quotas. An example of where this has recently been done is in Quebec, which passed comprehensive DRS reforms in 2022. The updated system requires 1,500 sites across the province (bulk sites cannot be counted towards the 1,500 requirement), and includes a resident per site minimum thresholds based on population and other demographic conditions as follows:

- (1) Montréal and Laval, one return point for every 15,000 inhabitants;
- (2) Montérégie, Estrie, ...one return point for every 8,000 inhabitants;
- (3) Saguenay-Lac-Saint-Jean, ... one return point for every 6,000 inhabitants;
- (4) Abitibi-Témiscamingue, ...one return point for every 4,000 inhabitants.ta

Something similar in New York would ensure that the system is held to place-specific requirements and would work equally well given very different rural, suburban and urban conditions. We wish to see New York legislators develop place-specific quotas that enable redemption points within 5 miles of rural populations, within 2 miles of urban and suburban populations, and within ½ mile for New York City.

Likewise, Quebec set up a requirement for three types of redemption sites, each with its own set of requirements, which we recommend New York state lawmakers take steps to do, too. This would include specific requirements for:

- **Return points:** designed to accept small quantities of redeemable containers,
- **Return centres:** designed to accept both small and large quantities of redeemable containers; and
- **Bulk return points**

The full legislative language from Quebec offers extensive, additional detail, and Reloop has additional resources we would be happy to provide to explain how this could and should be done in New York.

For commercially generated material (or sites with on-site consumption), something a bit different is required.

At present, commercial generators of bottle bill material, predominantly small businesses with local ownership, struggle to deal with their empty glass bottles. Haulers often will not take this material as part of single stream recycling collection, as it is both heavy and is a source of contamination for paper and other valuable recyclable material. Consequently, it ends up with the refuse. At times, it is left behind altogether.

When glass is collected separately, its quality is maintained and it is a valuable and highly used commodity. In fact, in a study done by the Northeast Recycling Council, glass collected with other recyclables was turned back into glass bottles just 0.02% of the time, compared with the more than 85% rate of bottle-to-bottle, or closed loop, recycling of bottle bill glass. Not only is quality glass valued, but much more material is needed. A quick google news search turns up dozens of articles citing wine and beer manufacturers are currently facing material shortages.

As glass is one of the most energy-intensive materials to make, and glass made from virgin material is more energy-intensive than that made with recyclable material, we cannot afford to continue allowing glass to be landfilled or used in other, non closed-loop applications.

It makes neither environmental nor economic sense to do so.

While including the full range of beverages in glass containers in the bottle bill is an important step in the right direction, it is unfortunately only part of a sound solution.

At present, businesses are burdened even with empty beverage containers currently covered by the bottle bill. Distributors rarely come back for the empties and existing

regulation falls short of requiring them to pick them up from places where they are consumed on premises. Additionally, businesses pay the deposit on these containers to distributors up front, though they are not being refunded for the material. By our estimate, each year New York City businesses are forced to forfeit between \$55 and 60 million dollars in bottle bill deposits.

This is not how the system is meant to operate, and these outcomes are sub-optimal in environmental, economic and social terms.

For these reasons, Reloop recommends an update to the bottle bill incorporate **additional requirements for expanded redemption infrastructure, including specific high-volume redemption requirements**. This would include both:

- Expansion of building-based and or street / transport-integrated redemption infrastructure, (like at NYCHA), so that equitable access to redemption is guaranteed for all New York City residents
- Inclusion of business-specific redemption requirements, as described below, to ensure that material moving through the commercial sector is easily redeemable

To achieve efficient and equitable commercial sector / high-volume container return, we recommend distributor take back obligations be included, either in S237 language or in regulations. This will ensure that the material both *can* and *will be* collected separately, fixing the current system distortions.

PRINCIPLE

2 90% COLLECTION RATE

Set a high redemption target through legislation to hold producers accountable for meeting it, with enforced penalties if they do not.

RECOMMENDATION(S)

- high performance target, with triggers / penalties in place if targets are not met

Meaningful targets are one of the most important elements of results-oriented deposit return system design. In order to stimulate necessary investment and supply chain coordination, and to get the best performance from the system, it is critical to include a redemption target of 90% in legislation, complete with penalties in place if targets are not met.



Industry
Financed

PRINCIPLE

6 FAIR PAY FOR SERVICE PROVIDERS

Set a fair handling fee for parties providing services and redemption infrastructure that covers the cost of their receiving and storing beverage containers.

RECOMMENDATION(S)

- Set and revise handling fees on a cost of service basis, rather than setting them in the legislation

Effective deposit return systems work with return point operators to efficiently collect large quantities of beverage containers from consumers. Typically, retailers and redemption centers are paid a handling fee as compensation for their participation in the collection network. This is calculated to offset the costs incurred in hosting and operating a return point.

Handling fees should be determined based on the cost of service, not set arbitrarily in legislation, as this politicizes the issue and potentially subjects the legislature to lobbying, from both groups who want to see higher handling fees and those that wish to decrease handling fees. Also, it potentially exposes New York City to conditions that prevent accessible and equitable redemption infrastructure, given that the economic conditions in NYC make container collection and processing much more expensive.

In determining the rates, some of the key factors to consider are: 1) how the containers are recovered (using manual labor or automatically via RVMs); 2) the condition of the containers picked up (compacted or uncompacted); and 3) the container material. Typically, handling fee calculations also take into consideration costs of space, labor, equipment purchase, maintenance, and more. Table 1 below gives an overview of best practice for setting handling fees.

Table 1: Regulatory best practice for handling fees

HANDLING FEE TOPIC	BEST PRACTICE RECOMMENDATION
Establishment	Based on an assessment of actual retailer and redemption center costs, not fixed in legislation
Adjustment	Reviewed at set periods (annually or biannually) by the system operator or state agency, in consultation with return point operator
Differentiation	Careful consideration of opportunities for more efficient operations, with handling fees differentiating based on: <ul style="list-style-type: none"> • Technology use: manual and automated services • Consumer access: retailer or redemption center / depot return
	Consider storage costs, which vary by container type and whether compaction is required



PRINCIPLE

8 CLEAR SYSTEM STANDARDS & FUNCTIONS

Establish independent monitoring and safeguards to meet legislative requirements, and standards that producers can follow in the DRS process:

- Product Placement on Market (recycling design, labeling)
- Administration (registration, database, reporting)
- Redemption (technology use, recycled claim standards, clearing)
- Pickup and Recycling (contracts, processing, material ownership)
- Education and outreach (public campaigns)

RECOMMENDATION(S)

- Requirements for “universal registration”, i.e.:
 - Producers / distributors must provide bar code information to RVM operators
 - Legal prohibition on the producer / distributor restriction on where their materials are / are not accepted

As explained above, bottle bills work best under conditions of equitably distributed, accessible redemption infrastructure and an inclusive program scope covering the full range of beverages. There is a third element that is necessary, a current loophole for which few legislators are aware. This is a requirement for “universal registration,” which includes and goes beyond producers and distributors registering their products with the state program administrators.

In places where RVMs are installed, the RVM operator and site host (be it a redemption center or supermarket, for example) must have the barcode information in order to accept and process the bottle bill containers. Currently, this is done in an informal way – the information is requested of the producers and distributors, who typically meet the request but are *not obligated to do so*. In some instances, they have refused to do so.

For example, I learned about an instance where a bottled water company did not want to give the bar code information to the RVMs installed at Costco, fearing that there would be massive flows of material through that channel (as Costco is well known for its high volume sales of bottled water), leading to additional cost and operational burden on the distributor to collect and manage those containers. In the end, this was resolved only when Costco threatened to pull the bottled water brand from their shelves, and the bottle water company made the decision that assuming responsibility for managing the empty containers was preferable to losing all bottled water sales at Costco stores.

Producers / distributors restricting redemption by not providing RVM operators with bar code information likely happens in many other places, but few (if any) site hosts are as powerful as and have the leverage that Costco does, so the site host simply has to accept that specific RVMs cannot collect specific beverage containers.

I have had conversations with DSNY, NYCHA and RVM manufacturers about the potential to install RVMs at NYCHA. All parties were in favor and were operationally committed to make such a pilot work, and potentially expand at a much larger scale. However, the lack of universal RVM registration was cited as a potential barrier, if producers / distributors were not supportive of the initiative. In essence, the pilot hinged on their good will, not a legal requirement to facilitate RVM-based redemption, and has not moved forward.

For clarify, this condition is different from the right extended to site hosts in New York’s bottle bill system which allows them to limit container redemption to only the beverages sold by their establishment. What I describe here is a producer / distributor activity to limit the return of containers at specific sites, which contravenes the intention of the law.

As such, Reloop recommends that S237 include a measure to require producers / distributors to provide bar code information for all bottle bill containers and wherever RVMs are deployed as a means of collection. It should explicitly be stated in the bill that producers / distributors are prohibited from restricting where their materials are accepted.

PRINCIPLE

10 GOVERNMENT OVERSIGHT AND ENFORCEMENT

Establish specific government audit, oversight, and enforcement responsibilities. Set enforceable reporting requirements for producers with penalties high enough to incentivize compliance and system improvement investments, including government ability to raise deposit value if producers do not meet targets.

RECOMMENDATION(S)

- Enhanced reporting and oversight requirements, namely:
 - Required reporting of sales data; verifiable, unit-specific tracking of material and money flows
 - Counting and sorting requirements / auditable sorting / processing protocol where automation is not used

Deposit return system accountability is paramount. High-performing DRS are those with mechanisms to ensure program integrity and transparency. This can be achieved, in part, by mandating reporting of sales reconciled against trackable, verifiable and unit-specific flow of material and money to confirm redemption rates, enable technological efficiencies, and reduce fraud in the system (like producer and deposit initiator underreporting, redemption center overclaiming, and illegal forms of redemption).

Additionally, counting and sorting requirements where automation is not used also strengthen system accountability and transparency. In her oral testimony before New York City Council Sanitation and Small Business Committees on February 22, 2022, DSNY Commissioner Tisch stated that she wished to have reported redemption numbers that could be incorporated into NYC diversion rates. This is a reasonable request, and can only be accomplished if the recommendations above are included in S237 or regulatory updates to New York's bottle bill.

Conclusion

Our principles and analysis, in tandem, provide pragmatic tools and concrete steps to equitable and effective reform implementation.

Modernizing bottle bills is not easy work, and so I commend the Sanitation Committee for your efforts to introduce a resolution in support of this important state legislative initiative.

Thank you for your time and consideration.

**Brooklyn, Queens, Manhattan and Bronx Solid Waste Advisory Boards Testimony to
Sanitation & Solid Waste Committee of NYC City Council at the Hearing on 22nd February
2023**

Good afternoon Chair Nurse and members of the Sanitation Committee. I am pleased to provide this testimony on behalf of the Brooklyn, Manhattan, Queens and Bronx Solid Waste Advisory Boards.

The implementation of LL199 is long overdue, having been signed into law over three years ago. With a return to some degree of normality, after several years of disruption, it is time the city focused some of its attention to making LL199 a reality to achieve the anticipated reductions in truck miles traveled under the current system.

In implementing the Commercial Waste Zones law, several key aspects should be prioritized:

1. Ensuring fair competition in each CWZ area, to avoid effective monopolies;
2. The encouragement of sub-contracting to facilitate the inclusion of smaller local haulers, including micro-haulers, and local processing facilities, thereby retaining as much value as possible within the city;
3. Completing adequate outreach, education and enforcement directed at businesses to ensure compliance and encourage an immediate boost in diversion rates; and
4. Establishing a robust methodology for collection of data from all stakeholders and the public posting of that data on as regular a basis as all other Department of Sanitation data.

Ongoing evaluation of the success of the Commercial Waste Zones, using metrics such as consumer pricing, truck miles, diversion rates, will be key. As such, we support Intro 933, which would mandate the creation of a Commercial Waste Zones working group.

The City's Marine Transfer Stations were established to reduce the truck miles associated with managing the city's waste. At present, these transfer stations have spare capacity; furthermore, if the City is serious about its Zero Waste goals, this extra capacity should not be required for municipal solid waste. We therefore support Intro 493 mandating a plan to move towards processing of commercial solid waste at the Marine Transfer Stations.

Cost-effectiveness has been cited as a barrier to commercial haulers looking to use the Marine Transfer Stations; as such, the suggestion of subsidizing tipping fees has merit, as would any other economic levers available to the Department. We would also suggest the inclusion of a clause related to targeting specific areas of the city from which to accept commercial waste in order to further reduce truck traffic in certain overburdened communities.

Intro 493 contains no targets for dates and tonnages, and is open-ended as a result; the setting of reasonable staggered targets would help to accelerate the transition.

Finally, the Bigger Better Bottle Bill (S237), stands as part of the ongoing State-level Packaging Reduction bills package, with which the SWABs have been engaged. The current Bottle Law is long overdue an update, both in the variety of materials and the size of the deposit; the proposed changes stand to enhance residential and commercial diversion rates through the inclusion of wine and liquor bottles, containers that present a problem when mingled in municipal recycling streams. The boost in the deposit amount will encourage consumer return of these materials and the increase in the handling fee will help struggling redemption centers. The SWABs therefore support this resolution in the interest of continued increase in diversion rates and decreased roadside litter for containers covered under this bill.

The Solid Waste Advisory Boards look forward to seeing any amendments to these bills, and continuing to work with the City's departments and elected officials to move towards zero waste.

We thank you for your consideration.

The Brooklyn Solid Waste Advisory Board

~~Ryan Brenner, Chair, on behalf of Queens Solid Waste Advisory Board~~

Manhattan Solid Waste Advisory Board

Bronx Solid Waste Advisory Board



New York City Council Committee on Sanitation and Solid Waste Management
February 22, 2023
Testimony of Eric McClure, Executive Director, StreetsPAC

Nearly four years ago, in June of 2019, we testified in these chambers before this committee in support of Intro 1574-2019, the bill that later that year would become Local Law 199, requiring the establishment of a Commercial Waste Zone program in New York City. Three years and three months since it became law, as we sit here today, the Commercial Waste Zone program has yet to be implemented.

Everything we said in that testimony in 2019 remains true today. The Commercial Waste Zone program will lead to a huge reduction in vehicle miles traveled by commercial haulers, reducing overall VMT by approximately 50% versus the current free for all, and equating to an annual reduction of more than two million vehicle miles traveled.

That is critically important to us as advocates for safer streets, since drivers of commercial-waste vehicles have struck and killed dozens of people across New York City over the past decade. The existing system, if one can even call it that, in which different carting companies drive haphazard routes that can crisscross the entire city, leads to some of the most dangerous driving behaviors one can imagine: blatant running of red lights, driving against the direction of traffic, reversing through intersections, and reckless speeding. Anyone who's walked a street late at night in New York City has witnessed this firsthand.

The Commercial Waste Zone program's large reduction in vehicle miles traveled will also have important benefits beyond improved safety. Reduced VMT will mean better air quality and lower greenhouse-gas emissions, and the more streamlined routing of trucks will lead to reduced noise levels. Crucially, worker safety will also be optimized under a zoned system. There are additional substantial and meaningful benefits, as well.

Int. 0933-2023 – Support

For all these reasons, we support Intro 933, which would institute a Commercial Waste Zone working group to advise on the program's implementation, but only if the creation of such a working group will push the process forward, and rapidly so. While acknowledging the many challenges caused by the COVID-19 pandemic, it has been nearly four years since Local Law 199 was established, and it's time to put it into action.

Int. 0493-2022 – Support

We also support Intro 493, which would require the Department of Sanitation to establish a plan for accepting commercial solid waste at city-owned marine-transfer stations. We believe there is excess capacity at the city's marine-transfer stations, and allowing the processing of commercial waste at these facilities would further reduce the number of miles driven by commercial-waste vehicles, especially in environmental-justice communities, rendering all the benefits inherent in reduced truck traffic.

TESTIMONY for Small Business and the Committee on Sanitation and Solid Waste Management

February 22, 2023

Hello and thank you, Chairs Nurse and Menin and to the committees for this opportunity for all of us to speak. Thank you all for all of your important questions this morning. Your careful attention to details and transparency in the interest of changing solid waste management norms so that we can not only lower our garbage footprint but equally important: redress environmental, social, and economic injustices. From what we've seen today, this is clearly not an easy process, but I applaud everyone for your robust participation in "doing what's right" during this transition toward justice.

My name is Rhonda Keyser. I am the Education Director for [Cafeteria Culture](#). In addition, I serve as Chair of the Legislative Committee in the [Brooklyn Solid Waste Advisory Board](#), and I'm on the boards of [New York State Children's Environmental Health Centers](#) and [Sure We Can](#).

My comments today are as an Executive Board member of Sure We Can, NYC's only non-profit bottle and can redemption center. We thank the Council today for supporting Senator May's Bigger Better Bottle Bill (S237). This specific state legislation will expand the current and effective bottle redemption law so we can continue to reduce litter on our streets and recover these valuable resources. Our canners – people who redeem bottles and cans for a living – are often marginalized and their work often not recognized.

Support for expansion of this bill is support for our often-excluded waste management workers. Our community of canners, clean our streets and harvest resources at **no expense to the City** and divert around 500 tons of waste in this inclusive and low-barrier method of resource diversion. The almost 70% return rate of bottles and cans reveals the effectiveness of the inclusive bottle law – compared to the less than 15% diversion rate of other single-use containers. It's important to stress that this high resource recovery rate is achieved at NO COST TO THE CITY.

Finally, this important update will not only increase the already-high diversion rate for materials covered under this law, it will continue to keep our streets clean as our low-income entrepreneurs sustain themselves financially, environmentally, and with dignity.

Rhonda Keyser
District 39
Carroll Gardens, Brooklyn

Good morning! My name is Ryan Castalia; I'm the Executive Director of Sure We Can, New York's only nonprofit dedicated to serving canners, or the folks who collect and redeem bottles and cans others discard in order to earn income.

Thank you so much to Chair Nurse and the Council for making the space to discuss the critical issue of expanding New York State's Bottle Bill. It's critical in several respects—it's critical for our city and state to fulfill their commitments to waste reduction; it's critical for the livelihoods of thousands of essential workers who are cleaning up after New Yorkers with little to no recognition or support; and it's critical for our NYC communities, many of which are designated environmental justice areas, regularly overburdened by street litter and pollution.

The Bottle Bill is New York's most effective recycling system. Its current capture rate for the materials it covers is around 65%. Comparing that to a municipal recycling rate of under 20%, a drastic difference in efficacy is obvious. When you compare the cost, the difference is even more stark: the city spends hundreds of millions annually on recycling, while the Bottle Bill costs the taxpayers nothing at all. Across the state, it diverts hundreds of thousands of tons of material annually, and reduces street litter by 70%.

The Bottle Bill is also a vehicle for environmental justice. Most NYC canners come from highly stigmatized groups, including non-English-speakers, new immigrants, those experiencing physical or mental disabilities or homelessness, and the elderly. Most live in the huge swaths of the city designated as Environmental Justice areas, including our home neighborhood in East Williamsburg. The Bottle Bill allows people who experience barriers to working to dedicate their labor to bettering their communities through recycling while also supporting themselves and their families. In 2022, Sure We Can redeemed over 12 million bottles and cans, and distributed around \$750,000 into this underserved community. It's a great start—but it's not enough.

The Bottle Bill is woefully out of date, and is being neglected by the state. This neglect is inhibiting its capacity to perform its function, and is making a potentially world-class system sadly mediocre. The 5c deposit hasn't changed for 40 years, which dampens participation overall. The cost of living has risen dramatically in the same span, which means every year it's harder for canners to make ends meet. There are containers that should be included but aren't, like nip bottles, juice, coffee, wine, and liquor, which means more plastic and broken glass on our streets, or clogging municipal recycling. And today in New York City, barely a week goes by in which we don't hear about a redemption center closing because it can't pay rent, making access harder for all New Yorkers, and further hampering the system overall.

Though the Bottle Bill is a state law, the city has an important role to play. Not only can it declare its support for expansion, which I hope it will, but it can lead the charge by demonstrating its effective implementation. By introducing real systemic support for the redemption system, including investment in infrastructure like new redemption centers or keeping the existing ones open and active, as well as providing resources, recognition, and support to the marginalized workers that produce the system's incomparable results, NYC can do what it's always done best—blaze a trail for others to follow; this time, into a more sustainable future for all. Thank you.



On behalf of Waste Connections of New York, Inc., (“Waste Connections”) I would like to thank the members of the Sanitation and Solid Waste Management Committee, the Committee on Small Business, and to Chairs Nurse and Menin for convening today’s hearing and for the opportunity to provide testimony on behalf of Waste Connections.

In New York City, Waste Connections proudly services thousands of commercial customers with excellent customer service. We employ 218 hardworking men and women, including 158 union members. The great majority of our workers live in New York City. We operate multiple facilities in Brooklyn and the Bronx as well as a Manhattan office.

As a company strongly committed to both safety and sustainability, Waste Connections is here today in support of legislation that will create a working group for the newly formed commercial waste zones. In our view, a working group can play a critical role in helping to address the challenges associated with replacing the current waste collection system with an entirely new process. We believe that an experienced and qualified committee can play a critical role in making the transition process a smooth one and help avoid the pitfalls that Los Angeles experienced with many reported service complaints during its first six months of a similar transition.

Commercial waste and recycling management is complex and multifaceted. It requires the collaboration and coordination of multiple stakeholders, including businesses, waste and recycling companies, microhaulers, and local government. A working group focused on commercial waste zones can help to bring these stakeholders together and to facilitate the development of a more coordinated and effective waste management system.

By working together, stakeholders can identify and address the unique challenges associated with an entirely new system. Specifically, there are bound to be issues associated with introducing a new service provider, the City’s requirement that every company have a written contract, new recycling opportunities, and payment issues.

Moreover, once the initial transition is complete and the system has reached a sense of equilibrium, a working group can also help to identify opportunities for innovation and improvement, such as enhanced worker safety, the development of new waste reduction technologies, the implementation of sustainable waste management practices, and the promotion of waste reduction and recycling programs.

We look forward to working with the group and all the other stakeholders to achieve our shared goals and to build a more sustainable future for all.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Moss". The signature is fluid and cursive, with the first name "Andrew" written in a larger, more prominent script than the last name "Moss".

Andrew Moss
Northeast Government Affairs Manager

February 22, 2023, 10:30 AM, NY City Council Sanitation Committee Hearing
Resolution Supporting Bottle Bill
Testifying - Catherine Skopic

In a recent scientific report regarding plastic in our environment, it was shared through evidence that tiny, microscopic particles of plastic called micro-plastics are showing up in our water, plants, animals, people. I was shocked to hear that micro-plastics have even been found in the blood streams of infants in utero.

What are we doing? Why have we been so careless with our wondrous creation? What corrective measures can we take? Any effort to reduce and, for the most part, eventually end plastic production and plastic usage will provide for a happier, healthier planet and its inhabitants going further along the road toward the future.

This bill will help get us there - reducing plastics in our environment. It has been statistically shown that a deposit return system (DRS) works. It is a win/win system- the best kind - that helps people and planet.

It has been statistically shown that a Modern Deposit Return System works. Containers recycled each year - 258,000 tons materials annually with 167,000 tons in New York City alone.

Metric tons of Co2 reduced annually in reduced greenhouse gas emissions - the equivalent of 72,000 cars off New York roads.

In Savings for New York Cities and Towns by redirecting recyclables away from costly curbside collection -

Gross value added - \$852 Million - Plus the irreplaceable lives of animals, plants, people.

Is there any good, sustainable reason NOT to pass this bill? I don't think so.

Thank you.

PEACE, Catherine Skopic

Dear New York City Council,

This written testimony is to express my strong support for the New York State Bottle Bill introduced by Chairperson Sandy Nurse.

As you know, single use plastic bottles are accumulating in our environment as waste that is harmful to our health, water supply, and oceans. We need to use every strategy possible to reduce the manufacture, use, and discarding of plastics.

Please include these written comments in the NYC Council Sanitation Committee Hearing on February 22nd.

With gratitude for your actions to reduce plastics,

Jacqueline Crawley
Manhattan resident
February 11th, 2023

Bottle Bill Testimony

Judith S. Weis

The current bottle bill has been a success in reducing the amount of waste, but it can and should be improved by increasing the deposit, so that more people will be motivated to take advantage of it. Increase the deposit from 5-cents to 10-cents and use revenues to support recycling equity. States with higher deposit fees have higher redemption rates than states with a five cent fee. Increasing the deposit could also generate more revenues for the state, which can be used to address limits on redemption options in low-income communities and other litter and solid waste problems in such communities.

It should also apply to additional types of bottles. Expand the program to include wine, spirits, hard cider, and most non-carbonated beverages. Many other states have already added these containers to their laws. For example, Maine's law covers all beverages except dairy products and unprocessed cider.

**NY City Council Hearing 2/22/23 Res 0167-2022 “Returnable Bottles” (A10184) - Written Testimony
Rev. Lynne A. Grifo, Resident of Bay Ridge, Brooklyn, NY**

I applaud and strongly support the City Council’s resolution asking the NYS Legislature of pass, and the Governor to sign, A10184. Each and every “whereas” in Res 0167 presents a clear, rational and convincing reason why a well-overdue increase should be made to the refundable deposit amount from \$0.05 to \$0.10. (Actually I would support an increase, like the State of VT’s for wine bottles, to \$0.15.) Also, given the fact that broken bottles in curbside containers typically render much of the other materials un-recyclable for municipals it is essential to reduce municipal loads and the effectiveness of those efforts by taking glass bottles out of the loads. I fully support NYS A10184 which will require wine, spirits, hard cider bottles and most non-carbonated beverage bottles to be added to the bottles that are covered by the deposit law.

As an former environmental planner, as a person of faith who believes that we are called to be stewards of Creation, as a member of the Bay Ridge Environmental Group, a long-time member of NRDC and the Union of Concerned Scientists, and a member of Trinity Church Wall Street’s Environmental Justice group, I urge the City Council to adopt Res 0167-2022 now. I intend to continue my advocacy at the state level for A10184. The health impacts of plastics in the environmental are staggering both for humans and other species.

As I walk around Bay Ridge I am continually picking up (with my “grabber”) plastic and glass bottles (and other plastic items) strewn along Shore Rd. and Shore Park (and other area streets). So often these are non-carbonated beverages, beer, and small spirit bottles both plastic and glass. Sadly, many, many returnable water bottles are also thrown on the street as well (or fall out of home recycling bins and are left behind when Sanitation collectors make a pick up). Unfortunate also is the fact that there are *no recycling containers* provided by the NYC Parks Dept. along Shore Rd. or Shore Rd Park.

As an older person my hands get painful cramps after doing such clean-ups but I cannot stand to see public walkways or neighborhood sidewalks marred by numerous bottles or risk that they wind up in the waters of the Narrows. I do what I can—please City Council do all you can to push NYS and Gov. Hochul to require *producers* of these products to be responsible for their bottles, to provide effective incentives to residents to make returns to stores and to as a side benefit, increase the income

Thank you for all you are doing to protect health and safety.

Mi nombre es Manuel Rene del Carmen Ordaz, trabajo en Sure We Can desde 2014. Sure We Can lo conozco desde que se fundó que antes también fui reciclador. Comencé reciclar por necesidad. Me encontré en una situación vulnerable y me dí obligado a la necesidad de reciclar. Reciclando me ayudó a conocer ayudarme y aprender más de nuestra sociedad. También me ayudó a solventar mis necesidades económicas. Trabajé como reciclador en Manhattan durante 7 años. Hoy, estoy manejando todo el espacio y el sistema de reciclar en la organización Sure We Can.

El trabajo de reciclar me dió esfuerzo para ayudar a nuestro medio ambiente, a la misma vez de solventar mis gastos de renta y alimentación. Mentalmente me empujó de reestablecer mi mentalidad de confusiones emocionales. Me sirve como terapia, y de entender mejor la situación en la que vivimos. Antes me animé y sirvió con los cinco centavos, entonces con diez centavos, se puede salvar a personas con situaciones más difíciles, y también puede salvar a las problemas del mundo de basura y de animar a las personas con la mejor intención de reciclar y ayudar a nuestro medio ambiente y el mundo.

My name is Manuel Rene del Carmen Ordaz; I've worked at Sure We Can since 2014. I became aware of Sure We Can when it was founded, back when I was a recycler. I started recycling out of necessity. I found myself in a vulnerable situation that obligated me to recycle. Recycling helped me come to know how to help myself and learn more about our society. It also helped me meet my economic needs. I worked as a recycler in Manhattan for 7 years. Today, I'm managing the whole space and recycling system at the Sure We Can organization.

The work of recycling gave me strength to help our environment, and at the same time to meet my daily needs and costs, like rent, food, and supplies. Mentally, it pushed me to stabilize my mind and support my mental health. It served me like therapy, and helped me understand better the situation in which we all live. Before, the 5 cent deposit was enough to motivate and support the work, but not today; now, with 10 cents, the system can save and support people in more difficult situations, and also can solve problems of the world at large regarding waste. It can inspire people to recycle better, and to help our environment and world.

I am writing in support of the expansion of New York's Bottle Deposit Law (aka the Bottle Bill). Studies show that Bottle bills are one of the most effective ways to reduce litter and keep plastic and other materials out of our rivers and streams. Increasing the deposit price to 10 cents from 5 cents recognizes how the cost of everything has risen in 40 years. It is well past time to increase the price of deposit.

Here's one benefit I see in expanding the different bottles that can be returned while increasing how much a person gets for returning them: people who are homeless or, otherwise, down on their luck, have a easy and effective way to earn some cash. I work with the homeless in a medical clinic and many of them earn money this way. Being a "canner" beats being a panhandler. People will respect the work being done and appreciate the cleaner streets.

What is New York State's Bottle Bill?

Over its 40-year history, New York's Bottle Deposit Law (aka the Bottle Bill), and the state's first EPR-based law, has proven to be a highly effective program in reducing litter and increasing recycling rates. In 2020, New York's redemption rate was at 64%. The Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled in the state.

A recent report by Reloop found that an expanded Bottle Bill stands to increase New York's recycling rate for covered materials by over 20%, and to generate between \$170 million and \$350 million in additional revenue annually to the state. The expansion of the Bottle Bill to include wine, spirits, and hard cider would take a significant amount of the containers that municipalities are struggling with off their hands.

Producer responsibility programs require manufacturers to take over disposal costs, making producers partners in supporting a circular and more environmentally beneficial economy. By designating the container as having value (the deposit), it incentivizes customers to return containers, and the policy mandates producers to recover and recycle it.

Bottle Bills are an incredibly effective incentive to recycle products. According to the Container Recycling Institute, states with bottle deposit laws have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.¹ States that have a bottle deposit are 46% more likely to recycle PET plastic bottles than states that do not.²

In 2020, New York's redemption rate was at 64%.³ The Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled in the state.⁴

¹ Container Recycling Institute, Bottle Bills, <https://www.container-recycling.org/index.php/issues/bottle-bills>.

² Container Recycling Institute, "Container Deposits: The Rockstars of Recycling,"

<https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Natural/Bills/H.175/Witness%20Documents/H.175~Susan%20Collins~Container%20Deposit%20Handout~2-24-2021.pdf>.

Further, glass that is harvested through curbside recycling often breaks and is a hazard to handle. For this reason, glass that is recycled through the Bottle Bill's circular economy is much more likely to be recycled. Glass recovered from a bottle redemption center is more than twice as likely to be recycled than glass recovered from curbside recycling.

How Will Expanding and Modernizing the Bottle Bill Help?

For several years, the state's bottle redemption rate has remained stagnant at 64 percent after receding in the years prior. Across the country, states with a higher deposit have a higher rate of return. By increasing the bottle deposit to 10 cents under the proposed "Bigger, Better Bottle Bill" and including more beverages, such as ice tea and wine, the state will increase peoples' motivation to return containers, boosting the state's overall recycling rate.

Increasing the types of containers covered under New York's bottle bill to include wine, liquor, hard cider, and non-carbonated beverages results in many more items being diverted from curbside recycling or trash cans to redemption centers where they have a higher likelihood of being properly recycled. By increasing the deposit on all eligible containers, New Yorkers will be much more likely to return these items, ensuring a higher overall recycling rate.

In

Why are the Bottle Bill and EPR so Essential?

China, which had been accepting massive amounts of America's plastic waste, stopped accepting plastic waste imports in January 2018. This caused severe strains on municipal recycling programs, which led to some municipalities charging consumers for recycling. Costs continue to rise in the state. For instance, Onondaga County residents are paying about \$2 million to cover recycling expenses in 2020, a first.⁵

As Governor Hochul emphasized, it is essential that New York include recycling issues in its climate change reforms. The waste industry accounts for an estimated 12% of the state's greenhouse gas emissions. Additionally, in a business-as-usual scenario, the ocean is expected to contain one ton of plastic for every three tons of fish by 2025, and by 2050, more plastics (by weight) than fish.⁶ Clearly, reducing the amount of plastic waste—and waste in general—is a critical way to avoid "doomsday" environmental scenarios.

How Does This Impact Redemption Centers?

In 2009, the law was expanded to include bottled water, and the handling fee was increased from 2 cents, which it had been set at since 1997, to 3.5 cents. However, it hasn't been raised since.

The increased deposit would provide an essential lifeline to redemption centers struggling to stay in the black. When the Bottle Bill was originally passed in 1982, the state minimum wage was \$3.82. The state minimum wage in upstate New York has increased to \$13.20, with \$15 being the minimum in the rest of the state.⁷ However, the state's bottle deposit, the main income stream for bottle redeemers, has remained stagnant over the past four decades. With

⁵ Michael Kimmelman, "Recycling in America Is a Mess. A New Bill Could Clean It Up," *New York Times*. January 27, 2021.

⁶ Ellen Macarthur Foundation, "The New Plastics Economy: Rethinking the Future of Plastics," 2016.

⁷ New York State Department of Labor, "New York State's Minimum Wage," <https://www.ny.gov/new-york-states-minimum-wage/new-york-states-minimum-wage>

businesses facing ever-increasing wages and rents, redemption centers face a major obstacle for growth.

How Will Passing an Expanded Bottle Bill Help NY's Climate Goals

Waste accounts for 12% of statewide greenhouse gas emissions, most of which comes from landfills that will continue to release significant amounts of methane, a greenhouse gas on steroids, for the next three decades. Rotting organic materials, such as discarded food scraps, are the source and constitute about one-third of New York City's trash.

The state's Climate Action Council actually advocates for an expanded bottle bill, along with extended producer responsibility.

sandy renz

Subject of testimony: Mouctar Diallo

This story is from 2018. It is now 2023. Justice delayed is justice denied.
Implement the CWZ now.

<https://www.propublica.org/article/treated-like-trash>

“Every night in New York, an army of private garbage trucks from more than 250 sanitation companies sets out across the five boroughs picking up the trash from all manner of businesses. Racing to complete long and often circuitous routes, the trucks crisscross the city at breakneck speeds. The human toll is substantial: Since 2010, there have been 33 deaths attributed to private garbage trucks across the city.

Sanitation Salvage trucks, now involved in two deaths in six months, have failed federal safety inspections at a rate that’s four times the national average. A Department of Labor investigation found that the company had failed to pay hundreds of thousands of dollars in wages and that workers pulled 18-hour days. Drivers are so overtaxed that they hire additional helpers — often young men off the street — to try and complete their routes on time.”

**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: Lekya Washington

Address: _____ Middletown NY

I represent: Pathway 2 Apprenticeships

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 493/933 Res. No. 0167

in favor in opposition

Date: 2-22-23

(PLEASE PRINT)

Name: Dior St. Hillaire

Address: PO Box 480 Bronx, NY 10465

I represent: Green Feen / Green Feen Organiz

Address: the Ave Bronx, NY 10459

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 933 Res. No. _____

in favor in opposition

Date: 2-22-23

(PLEASE PRINT)

Name: RYAN MONELL

Address: 570 LEXINGTON

I represent: REBNY

Address: "

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 493 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JUSTIN WOOD

Address: 151 W 30th St.

I represent: NYLPI

Address: 151 W 30th St. 10001

**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: ERIC GOLDSTEIN

Address: _____

I represent: NATURAL RESOURCES DEFENSE COUNCIL

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 993/493 Res. No. _____

in favor in opposition

Date: 2/22/22

(PLEASE PRINT)

Name: ERIC McCURE

Address: BROOKLYN NY 11215

I represent: STREETS PAC

Address: 150 BROADWAY, NY NY 10038

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. 4932933 Res. No. _____

in favor in opposition

Date: 2/22/23

(PLEASE PRINT)

Name: ALIA SOOMRO

Address: _____

I represent: NY League of Conservation Voters

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 2/22/23

(PLEASE PRINT)

Name: Ryan Howell

Address: 225 17th St Brooklyn

I represent: REBNY

Address: _____

**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: Antonio Reynoso

Address: _____

I represent: Brooklyn Borough President

Address: _____

**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: Ryan Thoresen Carson
Address: Brooklyn NY 11216
I represent: NYPIC
Address: 9 Murray St NY, NY 10007

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: 2/22/2023

(PLEASE PRINT)

Name: Bonacio Crespi
Address: _____
I represent: LOCAL 813
Address: _____

**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: Gregory Anderson
Address: _____
I represent: DSNY Dep. Commissioner
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 2/22/23

(PLEASE PRINT)

Name: JAVIER LOJAN

Address: 125 WORTH ST. NY, NY 10013

I represent: NYC SANITATION

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: 2/22/23

(PLEASE PRINT)

Name: Commissioner Jessica Tisch

Address: _____

I represent: Department of Sanitation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 2/22/23

(PLEASE PRINT)

Name: LEW DUBUYE

Address: 2779 Declair Ave Astoria

I represent: NWRT

Address: _____

**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: Martin Naro

Address: 10 Robill Rd Dix Hills NY 11746

I represent: Empire state Redemption Association

Address: same as above

**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: Conrad Cutler

Address: 50 EXECUTIVE BLVD ELMSFORD NY 10523

I represent: MEGA BEVERAGE Redemption Ctr Inc

Address: _____

**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: 02/22/23

(PLEASE PRINT)

Name: Letoya Washington

Address: _____

I represent: 22A Sanitation

Address: 37th St + 9th Ave

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: 2/22/23

Name: Gilford Lovell (PLEASE PRINT)

Address: Roseton, NY

I represent: LOCAL 108

Address: Roseton, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

Name: Ryan Castala (PLEASE PRINT)

Address: 219 McKibbin St, Brooklyn 11206

I represent: Survive We Can

Address: _____

**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: _____

Name: Rene Del Carmen (PLEASE PRINT)

Address: 219 McKibbin St

I represent: Survive We Can

Address: _____