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Steven Costas Acting Commissioner

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## Testimony of Robert Orlin, Deputy Commissioner New York Department of Sanitation

### Hearing on Commercial Waste Zones New York City Council Committee on Sanitation and Solid Waste Management

Thursday, June 27, 2019 – 10:00 a.m.  
City Hall, Council Chambers

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Good morning Chair Reynoso and members of the Committee on Sanitation and Solid Waste Management. I am Robert Orlin, Deputy Commissioner for the Bureau of Legal Affairs for the Department of Sanitation. I am joined here today by Justin Bland, Director of Commercial Waste and Christine Billy, Associate Counsel, in addition to our colleagues from the Business Integrity Commission (BIC). Thank you for inviting us here to testify on this package of commercial waste reform legislation and on the City's efforts to reform, reroute and revitalize private carting in New York City.

Commercial waste zones will create a safe and efficient collection system that provides high quality, low cost service to New York City businesses while advancing our zero waste goals. This approach, developed through extensive stakeholder engagement, reflects more than four years of study and analysis and builds upon the strong foundation laid by advocates and activists, many of whom are at the hearing today.

As the agency responsible for ensuring the safe, efficient, equitable, reliable and sustainable management of the City's waste, the Department of Sanitation welcomes the opportunity to testify alongside the BIC on our long-standing efforts to bring much-needed reform to this sector. We look forward to continuing to work with the Council, stakeholders and advocates to implement comprehensive, meaningful reform and create a system of commercial waste zones to serve New York City businesses for decades to come.

#### **The Case for Reform**

New York City's more than 100,000 commercial establishments annually generate more than 3 million tons of refuse and recyclables. Approximately 90 private carters, ranging from small, one-truck operations to international, publicly-traded companies, collect this waste from commercial establishments across New York City. Businesses from restaurants and retailers to office buildings and hospitals rely on private carters to collect their waste and keep their businesses running smoothly. New Yorkers also rely on these same companies to help keep our neighborhoods healthy, safe and clean.

However, private carters operate in a disorganized market plagued by inefficiency. In some parts of the city, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night.

These industry-wide inefficiencies, such as overlapping truck routes and excessive truck traffic, have resulted in very real costs to the public, and these costs take the form of safety, vehicle emissions, noise, and quality of life issues in neighborhoods across New York City.

We also heard repeated accounts during our public engagement process that for many workers in this industry, working conditions are unacceptable. We heard about many instances where companies fail to provide basic worker protections or comply with existing labor, employment and safety standards. As an Administration with a long record of working with the City Council to make sure workers in New York City are treated fairly, we take these concerns seriously. These accounts demonstrate the clear need to take a hard look at how we can reform this industry.

For example, we know that in the last decade, commercial garbage trucks have been involved in dozens of fatal crashes – including pedestrians, cyclists and workers. Waste collection is inherently dangerous work – according to the federal Bureau of Labor Statistics, refuse and recycling collectors have one of the top five most dangerous jobs in the United States – but in New York City, long routes and exhausting shifts combine to force workers to cut corners and further risk their own lives and the lives of others. Compliance with existing safety equipment and training requirements is spotty, and, guidance documents, such as BIC’s “Trade Waste Safety Manual,” lack the force of law.

The current commercial waste system fails to provide much-needed transparency and fairness to customers. More than half of contracts are simple oral agreements, and many payments are made in person and in cash. Compliance with BIC’s rate cap relies on self-reporting by carters and customers, resulting in efforts by some to evade the requirements.

City regulations require all businesses to recycle and certain establishments to separate organics, but our commercial recycling diversion rate of less than 30 percent lags behind our peers. Businesses that comply with the law and separate recyclable materials lack assurances from carters that these materials are collected separately and actually recycled. City inspectors regularly witness trucks dump mixed refuse and recyclables at transfer stations, and carters and businesses regularly deflect blame on each other for failed recycling practices. The current system discourages carters and customers from making investments to help move toward a zero waste future.

In studying this industry and hearing from stakeholders and advocates all over the City, we consistently heard that the system is broken, and that the City can and should do more to fix it. After over two years of public engagement and internal analysis, we are presented with evidence of a commercial waste collection industry that is unsafe, unfair and unsustainable. I’ll

now describe the extensive public outreach and stakeholder engagement process that we undertook to develop the City's plan to address the problems in this industry.

### **Public Outreach and Stakeholder Engagement Process**

In the course of developing our plan, DSNY held more than 150 meetings with more than 200 different stakeholders, including commercial businesses from all five boroughs and all 20 proposed zones, labor unions, advocates, carters, elected officials, and many others. These meetings took a variety of formats, including one-on-one interviews, small group conversations, field interviews, focus groups, and an advisory board of 40 diverse stakeholders convening quarterly.

In November 2018, the City released its comprehensive implementation plan. Since then, we have been conducting a detailed environmental review of the proposed plan. As part of this process, the Department released a Draft Generic Environmental Impact Statement studying the potential environmental impacts of the plan, received public comments, and held three public meetings. The Department continues to conduct a vigorous and varied public outreach process to help strengthen its plan for implementation of commercial waste zones in New York City.

### **The City's Plan for Commercial Waste Zones**

The concept behind commercial waste zones is simple: instead of up to 50 carters operating in a single neighborhood on a nightly basis, there will be just a few. These companies will be selected through a competitive solicitation process that will identify the carters that can provide excellent service with the highest standards at low prices for each area. The resulting contracts will include standards for pricing, customer service, safety, environmental health, and requirements to promote the City's zero waste and sustainability goals.

With fewer trucks on the streets and shorter routes, zoned collection will also mean improved traffic and air quality and less unsafe driving behavior and worker fatigue.

Most zones would have three carters, but a few denser, more concentrated districts, such as Midtown Manhattan, could have up to five carters. The competitive procurement will ensure that the selected carters would be those able to provide a competitive price while also meeting and exceeding standards for service, safety, infrastructure investment, and efficiency, while demonstrating a strong commitment to our zero waste goals.

Commercial waste zones will apply only to the collection of commercial refuse, recyclables, and source-separated organic waste. It will exclude specialized or intermittent waste streams, such as construction and demolition debris, medical waste, and other types of waste that will continue to be collected and managed under existing City and State regulations.

Carters that win zone contracts will be obligated to meet certain contractual requirements aligned with the City's program goals and objectives. This approach will standardize the contracting process for customers by requiring written service agreements between carters and customers, requiring transparent monthly bills and by making the pricing structure more transparent.

Under the City's plan, each carter will be able to compete for as few as one or as many as 20 zones, but no carter will be able to win contracts for more than 15. Selected carters will be awarded 10-year contracts with City options for two five-year extensions. The Department will select carters based on a Request for Proposals, which will outline minimum qualifications and scoring criteria. The selection process will be fair, rigorous and unbiased, designed to select the carters that put forth the best overall proposal.

While detailed pricing and service agreements will be negotiated between individual businesses and carters, DSNY will negotiate rate caps for each carter through the contract award process. Under our plan, carters will be required to comply with all existing laws and regulations, in addition to contract requirements, and DSNY will have mechanisms to ensure compliance with these laws and regulations if carters fail to comply.

DSNY and BIC will work as partners in both the implementation of commercial waste zones and in regulating the awardees and designated carters under such a system. Awardees must have a BIC license in good standing, and BIC will continue to conduct background investigations on all carters to ensure that they possess the requisite good character, honesty and integrity. DSNY and BIC will have co-enforcement authority to issue administrative violations for comingling recyclables, unauthorized collection in a zone, interference with the commercial waste zone program, and any other rules that the City promulgates in the future.

### **Achieving our Program Goals**

In addition to creating an efficient, rational system to collect commercial waste, our plan for commercial waste zones also sets out to achieve a number of related program goals.

#### **Public Safety and Worker Protection**

As previously mentioned, the documented safety issues associated with the private hauling industry demand action. New York's residents expect and deserve safe streets. Commercial waste zones will support the City's ongoing work to eliminate deaths and serious injuries on New York City's streets under Vision Zero. During the solicitation process, carters will be evaluated, in part, based on health and safety plans submitted as well as their safety record in previous years.

Promoting public safety within the commercial waste industry begins with worker safety. Our plan requires that carters provide safety and training programs to build a culture of safety within the commercial waste industry and ensure that workers know how to perform their jobs safely.

Specifically, carters will be required to provide a minimum of 40 hours of worker safety training to all drivers and helpers that collect waste on city streets.

But we all know that training alone is not enough. The choices that companies make regarding how long their drivers are expected to work, and under what conditions, have a real world impact. With fewer trucks on the streets and shorter routes, zoned collection will reduce incentives for unsafe working conditions, such as placing drivers on 14 hour shifts on long, circuitous routes, just to fill up a truck. This will reduce the risks of unsafe driving behavior and worker fatigue, and lead to a healthier, safer city.

The Department will also receive and take appropriate action in response to all whistleblower complaints, including anonymous complaints. We will establish a displaced employee list and require that every carter utilize City programs that promote hiring from local communities.

### Zero Waste

New York City has set an ambitious goal of sending zero waste to landfills. While we have primarily focused on the role that city residents play in this effort, businesses have an equally important role in helping to achieve this goal. Under this plan, all carters that provide service within commercial waste zones will be required to provide recycling collection to the businesses they serve and organics collection to businesses that request it. And they must do so at a discount when compared to refuse collection services.

As part of the solicitation process, carters will submit zero waste plans and identify innovative practices to support waste reduction, reuse, and recycling. Carters will also be required to provide third-party waste audits to customers at no charge to help them identify opportunities to save money and reduce waste.

### Environmental Benefits

New York City is a leader in fighting climate change and reducing harmful air pollution that affects the health of its residents and the environment. OneNYC, the City's blueprint for building a strong and fair city, calls for substantial reductions in greenhouse gas emissions to achieve carbon neutrality by 2050. Establishing commercial waste zones is an important step toward this goal.

Our analysis shows that annual vehicle miles traveled associated with commercial waste collection would be decreased by 50 percent, even after accounting for new truck routes to collect additional recycling and organics diverted. This reduction in traffic would lead to commensurate reductions of emissions of all kinds, including greenhouse gases, particulate matter and other air pollutants. Reducing truck traffic associated with commercial waste collection will also lead to co-benefits in other areas. Fewer trucks means less nighttime noise, less roadway wear and tear, and improved quality of life in neighborhoods across New York City.

### Pricing and Customer Service

Businesses in New York City demand and deserve consistent, responsive, and dependable service. Commercial waste zones will provide low, fair, transparent pricing for large and small businesses, while strengthening minimum standards for customer service. Carters will be required to provide written service agreements to all of their customers outlining rates and any fees so businesses only pay for the waste they produce. Our plan also preserves competition and customer choice by allowing businesses to select from up to three to five qualified carters in each zone.

The City will outline baseline customer service standards in the RFP that will be included in all contracts between carters and their customers. Minimum requirements will include itemized monthly billing, a customer service hotline and a website. Additionally, carters will submit customer service plans in their proposals to detail how they will implement customer service support, performance metrics, communication tools and other community benefits.

### Infrastructure and Waste Management

This approach also provides an exciting opportunity for the City to prioritize investments in waste management infrastructure on two fronts: resilient, sustainable, and equitable infrastructure; and safe, reliable fleets. Through the competitive solicitation process, the City will require carters to submit a waste management plan for all waste and recyclables collected from customers. This plan will outline the transfer, processing, and final disposal locations for all materials collected. The City will evaluate these waste management plans based on the principles of sustainability, reliability, and equity.

Safe, modern fleets are key to creating a robust and sustainable commercial waste collection system, and carters will be required to maintain a fleet that is safe and is capable of performing all applicable collection services for their customers. Proposers that seek to invest in infrastructure and technologies that promote program goals, including clean vehicles, safety technology, and sustainable waste management facilities, will receive favorable consideration during the selection process.

### Intro. 1574

I will turn now to the bill under consideration today. Intro No. 1574 largely reflects the plan for commercial waste zones that I just described. We are generally supportive of this legislation and are eager to work with the Council to enact a local law that will establish a safe and efficient waste collection system that improves quality of life for all New Yorkers, that works for the City's local businesses, and that supports the City's short and long-term goals for a cleaner, safer, and more sustainable city.

However, the Administration has concerns about one important difference between the introduced bill and the plan I described. First, Intro 1574 as introduced limits the Department to selecting just one carter per zone. Having just one carter in each zone, rather than three to five carters, would achieve only marginal environmental improvements (with a truck travel reduction about eight percentage points higher than the non-exclusive plan) but would lead to far greater disruption to an industry vital to the health and safety of our city and its customers. Only a few large carters operating today have the resources and capital to viably compete to be the sole service provider for any zone. In an exclusive system nearly all small and medium-sized carters would automatically be wiped out.

In the four years that we have taken to study this industry and develop our plan, we spoke to scores of customers and business groups. The message from these groups is clear: choice matters. Customers demand high quality and responsive service, and they want to be able to fire their carter if the service does not meet their needs. An exclusive zone model would create a monopoly within each zone, eliminating business' leverage and creating a lopsided power dynamic between carter and customer. In this monopolistic system, carters would have no incentive to offer less than the maximum price, and without pressure from regulated competition, service quality would suffer.

The City's plan preserves the element of choice, albeit in a more organized fashion than exists today. Some businesses would prefer we keep the current system, despite its very real costs and externalities, such as air and noise pollution from excess truck traffic. But as I hope you will hear from many of them today, the City's plan reflects years of engagement, of listening and reflection, and seeks to achieve a balance between serving the needs of customers and achieving the other program goals that I have described.

Lastly, creating an exclusive zone system puts a far greater burden on the City and the Department to regulate individual service agreements and resolve disputes. While our non-exclusive approach allows customers to fire their carter if the service is not up to par, in an exclusive system, the City would be forced to mediate each and every claim. And if a carter failed to provide adequate service to customers in a zone or pulls out of a zone altogether, the Department would step in to provide service until a replacement could be procured. In a non-exclusive system, the City could more freely impose contractual remedies on bad actors, including potentially termination for cause, knowing that other qualified carters could quickly step in to provide service afterward.

## **Conclusion**

The Department knows very well the challenges that come with removing thousands of tons of waste from our streets every day. New York City's businesses, small and large, must have high-quality, dependable waste collection services at a predictable cost. The adoption of commercial waste zones represents the most significant reform of New York City's commercial waste industry since the creation of the Trade Waste Commission in the 1990s, and it is a

transformative step forward that will improve health and safety in our communities and for workers in the industry.

The Department looks forward to working with the Council to build a successful commercial waste zones policy through continued stakeholder participation and public input. We are committed to designing a system that simultaneously improves quality of life for New Yorkers and meets the needs of both the business community and the waste collection industry.

I want to thank the sponsors of this legislation and the other bills under consideration today for their ongoing partnership in these efforts. Moreover, I want to thank the activists, organizers and other stakeholders, many of whom are here today, for their important work over the last several years, to help shape the plan for commercial waste zones and for helping to craft this historic piece of legislation.

I will now turn over the microphone to Commissioner Genel to address the remaining bills, after which we will be happy to answer your questions.



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Noah D. Genel  
*Commissioner and Chair*

**Testimony of Commissioner and Chair Noah D. Genel of  
the New York City Business Integrity Commission before the  
Committee on Sanitation and Solid Waste Management of the  
New York City Council Regarding Seven Bills relating to  
New York City's Trade Waste Industry**

**June 27, 2019**

Good morning, Chair Reynoso and the other members of the City Council's Committee on Sanitation and Solid Waste Management. My name is Noah Genel, and I am the Commissioner and Chair of the Business Integrity Commission. With me at the table today is Executive Agency Counsel Emily Anderson, and my colleagues from the New York City Department of Sanitation. Thank you for inviting us to testify at today's hearing regarding seven bills relating to New York City's trade waste industry.

***Background***

This is an important time for BIC – and for the City as a whole. BIC's mission is growing. Today, the focus in the trade waste industry cannot be solely on organized crime and corruption. That must always be an essential part of our mission, but we must also seek to protect the people who live in, work in and visit New York City in other ways, particularly as they travel through our streets. Intro. No. 1573 will help us do that. My testimony today will focus on the BIC-specific bills at issue at this hearing, and then I will briefly discuss Intro. No. 1574, relating to Commercial Waste Zones.

The Business Integrity Commission was created by local law in 1996 under the name the Trade Waste Commission. Its mission was – and still is – to free the trade-waste-hauling industry from the grip of organized crime and other forms of corruption. Trade waste, for those unfamiliar with the term, is essentially commercial garbage or waste and recyclable materials. It can be the common waste and recyclables that come from stores and restaurants, or it can be construction and demolition debris from construction sites. If you haul it from a location in New York City, you need a license or registration from BIC. BIC also regulates the public wholesale food markets in the City. For the past 23 years, BIC has fought with significant success against organized crime and other criminality in the industries it regulates.

That fight is far from over, and we remain vigilant. We are also diligently preparing for the January 1, 2020 deadline set by Local Law 145 of 2013 – the trade waste vehicle emissions law. We have a hearing pursuant to the Citywide Administrative Procedure Act, or CAPA, scheduled for next month on rules relating to trade waste unions, as we prepare to start registering them as required by Local Law 55 of 2019. And, among other things, we continue to enforce the rules that prohibit the practice of commingling commercial waste with both recyclables and organics. As you can see, we are a small agency with a great deal of responsibility. As always, we urge the members of the Sanitation and Solid Waste Committee and the other members of the City Council – as well as members of the trade waste industry and the public in general – to tell us if you are aware of a company violating our rules and regulations.

### ***BIC's Role in Safety***

Historically, safety has not been BIC's mandate or focus. There are many other agencies that have a hand in public safety. Of course, the New York City Police Department (“NYPD”) is

the first agency you think of when you think about protecting people on the streets of New York. The New York City, State and federal Departments of Transportation also each play major roles in traffic safety. We have been working closely with all of those agencies, and many others, over the last several years as BIC has taken on a larger role in promoting safety in the trade waste industry.

In 2016, BIC joined the Vision Zero Task Force. Through that task force, we have strengthened our relationships with many of our sister agencies, as we work together to improve traffic safety in the trade waste industry. As a direct result of that work, we established BIC's Interagency Collision Review Panel last year. The panel meets quarterly and brings together members of several city agencies – NYPD, DOT, TLC, DCAS, and DSNY – to review fatal crashes in the City that involved a trade waste truck. We want to learn from those crashes and determine whether there is something that can be done to prevent similar crashes in the future.

In 2018, we issued our Trade Waste Safety Manual and promulgated new rules that require our licensees and registrants to report to BIC on events such as crashes, and also required them to increase their insurance coverage. But we were constrained by our limited authority in the Administrative Code from issuing new safety standards in the industry. Intro. No. 1573 can help change that.

Perhaps most importantly, Intro. No. 1573 would give BIC the power and duty to establish and enforce environmental, safety and health standards, including traffic safety requirements for trade waste vehicles. BIC will be able to establish new rules in the industry in areas such as driver training and certification, equipment on trucks, and other issues. While we still must be careful of preemption issues when promulgating rules, we will now have greater latitude to create new standards in the industry and enforce them.

As a corollary to that power, BIC would expressly be empowered to deny, revoke or suspend a license or registration for failure to comply with any city, state or federal law, rule or regulation relating to traffic safety or the collection, removal, transportation or disposal of trade waste in a safe manner. Collecting and hauling trade waste is an inherently dangerous job. Where there is a company that demonstrates a pattern of behavior that creates a danger to the public, we will now have more tools to help address that problem. But with respect to Intro. No. 1575 – regarding additional penalties to be issued to trade waste companies for their driver’s violations of the New York Vehicle and Traffic Law – there may be legal concerns that we have to work through as the bill moves forward.

*Additional BIC-Related Legislation*

Regarding Intro. No. 1611, which relates to DSNY-permitted transfer stations, BIC supports increased coordination between BIC and DSNY on transfer stations, which are a critical part of the trade waste industry. BIC will continue to communicate with DSNY on transfer stations and is also conducting a full review of the ownership of all transfer stations in the City. Where BIC sees an issue, it will recommend action for DSNY to take. With respect to the unions at the transfer stations, BIC has not dealt with those unions and has not gained expertise in this area, and look forward to working with the Council to ensure BIC has the proper tools to regulate this industry.

BIC supports the principle in Intro. No. 1082 of requiring GPS in trade waste trucks, but would like to work with the Council to find an appropriate scope for the requirement. This bill makes sense in the context of Commercial Waste Zones, with DSNY accepting the information and processing it. As currently drafted, Intro. No. 1082 applies to all trade waste vehicles that are registered with BIC. That is approximately 7,500 vehicles, and includes not only large

packer trucks and dump trucks, but also pick-up trucks and other smaller vehicles. It applies to all BIC licensees and registrants, including self-haulers, many of whom are landscapers. The cost to the industry would be significant. And the administrative burden on BIC would be massive: BIC does not have an IT infrastructure capable of accepting and analyzing what would surely be a massive amount of data from those 7,500 trucks.

Intro. No. 1083 would set a specific range for penalties for failure to disclose employees to the Commission in license applications. BIC already issues administrative violations for nondisclosure of employees, but Intro. No. 1083 removes BIC's discretion as to what the penalty is. Currently, BIC's response to nondisclosure of information can range from a low-level penalty up to the denial of an application. Where the nondisclosure appears to be inadvertent or the result of a misunderstanding, BIC generally has imposed lesser fines, and, at times, has given a warning. Toward the other end of the spectrum, fines can be steeper – up to \$10,000 based on a number of factors, including the licensee's record of compliance with BIC's rules. And where an applicant has intentionally failed to disclose a principal or a key employee, BIC has denied a license or registration application.

While BIC recognizes the Council's intent in Intro. No. 1084-A, which would require a minimum of three employees per trade waste truck or the maximum number of employees that can physically accompany each vehicle, this bill has a number of issues. As best addressed by DSNY, there are a number of operational issues that this bill raises, such as the fact that some operations – such as driving a roll-off truck – can safely be accomplished with one person.

Lastly, I will turn to Intro. No. 1574, which is the Commercial Waste Zone legislation. BIC supports this DSNY-led effort to transform the system in New York City for hauling putrescible commercial waste – in other words, the run-of-the-mill commercial garbage and

recyclables that every business generates and must hire a carting company to take away. We stand ready to be a supportive partner in this effort, to help ensure the integrity of the companies operating in the new structure and their compliance with all related rules, regulations and other requirements.

***Conclusion***

This package of bills has the power to change the commercial carting industry in New York City for the better. From BIC's perspective, we are looking forward to working together with you, Chair Reynoso, the rest of the Sanitation and Solid Waste Committee, and all of our other partners to make New York City's carting industry safer, cleaner, more efficient, and more transparent. Now, I am glad to answer any questions you have.



**PARTNERSHIP**  
for New York City

**FOR THE RECORD**

**Testimony of the Partnership for New York City**

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

**Int. 1574 - establishment of commercial waste zones**

**June 27, 2019**

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Thank you Chair Reynoso and members of the committee for the opportunity to testify on Int. 1574 concerning the establishment of commercial waste zones. The Partnership for New York City represents the city's business leaders and largest private sector employers. We work together with government, labor and the nonprofit sector to enhance the economy of the five boroughs of New York City.

The Partnership has been a strong advocate of efforts to improve air quality and reduce traffic. We are inaugural members of the OneNYC Advisory Board which has assisted in developing city initiatives that promote reduction in carbon emissions and improved resiliency and public health. Commercial waste zones are one mechanism for advancing all these goals.

For more than two years, we participated in the Commercial Waste Zones Advisory Board convened by the Department of Sanitation (DSNY) and the Business Integrity Commission (BIC). The purpose was to gather input to inform the zone plan for commercial waste. The most important issue for the business community in these conversations is whether the zones would be exclusive (*i.e.*, only one carter in each zone) or non-exclusive (*i.e.*, multiple carters in each zone). It became clear to us and many members of the Advisory Board that the zone plan must not involve an exclusive franchise, or we will have a monopoly situation that works for no one, with the likelihood of reverting to the type of corruption that existing before BIC was put in place. We contend that non-exclusive zones can achieve environmental and safety objectives while still ensuring good customer service and competitive pricing.

Int. 1574 ignores the recommendations of the Advisory Board for non-exclusive zones for reasons that we do not understand. The Draft Generic Environmental Impact Statement (DGEIS) prepared by DSNY concluded that the lack of competition inherent in exclusive zones is likely to cause increased prices and a deterioration of customer service. Few carters have the capacity to exclusively service an entire zone, suggesting that this policy would result in most of the city's commercial carters going out of business and creating a monopoly within zones. Customers would lose all bargaining power and incentives to provide good service would disappear.

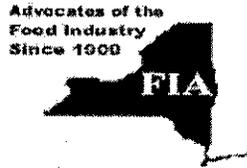
The Partnership enthusiastically supports the DSNY/BIC plan for non-exclusive commercial waste zones, which is the product of extensive discussions with stakeholders and a recognition of the drawbacks to exclusive zones. The DGEIS found no significant differences in the

INT: 1574

reduction of vehicle miles travelled (a key measure related to truck traffic and emissions) between exclusive and non-exclusive zone plans.

We also urge that large commercial customers from whom waste is picked up and directly transported to a transfer station be exempt from zone requirements, since there would be no benefit of forcing them to use the zone hauler.

Thank you.



**FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.**

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**Testimony by  
the Food Industry Alliance of New York State, Inc.  
in Opposition to  
Int. 1574-2019**

**FOR THE RECORD**

Thank you for the opportunity to testify regarding Int. 1574-2019. My name is Jay Peltz and I am the General Counsel and Senior Vice President of Government Relations for the Food Industry Alliance of New York State (FIA). FIA is a nonprofit trade association that advocates on behalf of grocery, drug and convenience stores throughout New York. Our members include chain and independent food retailers that account for a significant share of the city's retail food market and the grocery wholesalers that supply them.

Neighborhood grocers have never faced a more difficult operating environment. Food price inflation is minimal while operating expenses soar due partly to high rents, insurance premiums (health, workers compensation and property/casualty) that are high and rising as well as the \$15.00 minimum wage. Nontraditional retailers (that are largely nonunion operators) such as online grocers, warehouse clubs, natural/organics retailers and dollar stores are taking market share from neighborhood grocers.

In addition, the following bills, if passed and signed into law, would make matters much worse: Int. 1116-A authorizes the issuance of up to 4,450 new food vending permits while allowing food vendors to sell a wider assortment of products; Int. 800-A amends the city's paid sick and safe time leave law by requiring private employers to provide up to ten days of paid personal time off a year to full and part-time workers, on top of the maximum of five paid days off per year already provided to workers under the law; and Int. 1407 provides that when the Consumer Affairs Commissioner "...determines that there is a reasonable available alternative for a single use plastic item, he or she shall designate by rule such single use plastic item as a covered item." Covered items will be banned, even if the prohibition results in lower sales and profit for neighborhood grocery stores.

While neighborhood grocers struggle to remain viable in the face of these challenges, no relief from the commercial rent tax is being provided by the city, nor is Int. 1145, which would provide much needed reform of the city's outdated item pricing law, being moved. The regulatory environment in the city is thus harming neighborhood grocers even though, according to the Healthy Food Access New York City initiative of the American Heart Association, "...1.2 million residents of New York City live in lower income communities with limited access to healthy food retail." Accordingly, less burdensome regulation is needed, rather than regulation that creates significant risks for neighborhood grocers.

This legislation creates substantial risks for the city's neighborhood grocers. By mandating the establishment of single carter zones, the selected carters will operate as regulated monopolies. Given

the history of regulated monopolies, the likely outcome is sharply higher prices for trade waste services and a significant deterioration in service. This is what happened in Las Angeles which, after seven companies were selected in 2017 to service eleven zones, experienced dramatic price increases, service deterioration and increases in illegal dumping as businesses avoided the cost of the zoned system.

Providing trade waste services involves many moving parts, which makes it very unlikely that the level of government intervention required under the bill will work as intended. For example, neighborhood grocers, in the aggregate, have millions of dollars of carter-owned compactors in their stores. Who will pay to replace the compactors when incumbent carters are forced out of the market?

More broadly, the cost to achieve the city's environmental and labor goals through this legislation will be enormous. Again, the question is, who will ultimately underwrite these costs? We believe that haulers will pass these costs through to their customers, which will threaten the viability of neighborhood grocers.

Should you choose to move forward with this legislation, we respectfully request that each zone be serviced by 3-5 carters (reflecting the determination of the Sanitation Department), rather than one carter, with customers having the right to terminate contracts at will.

Considering the foregoing, we respectfully request that Int. 1574-2019 be held in committee while the foregoing issues are discussed.

Respectfully submitted,

**Food Industry Alliance of New York State, Inc.**

**Jay M. Peltz**

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**June 27, 2019**

FOR THE RECORD



### **In opposition to Intro 1574, establishing commercial waste zones**

Good morning. My name is Kathleen Reilly and I am the NYC Government Affairs Coordinator for the New York State Restaurant Association. We are a trade group, representing food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and have advocated on behalf of our members for over 80 years. Our members are one of the largest and most widely impacted constituencies in the City, as nearly every agency regulates some aspect of this industry. To ensure the continued viability of the restaurant industry, New York City must prioritize regulations that enable these hardworking New Yorkers to continue earning their livelihoods.

Today, I am testifying in opposition to Intro 1574, which would establish exclusive commercial waste zones in New York City. Our members are not excited about waste zones, period. They worry that changing the current market will cause disruption to their service, and will inevitably reduce their choice, likely resulting in higher costs of waste removal service. For the most part, our members are happy with their current carriers and service, and do not feel the need for a major market reorganization.

Despite that concern, our members acknowledge the efforts of DSNY to craft a commercial waste zones plan that still attempts to preserve some customer choice, with 3-5 haulers in each zone. The plan that DSNY put forward would still require rigorous worker safety and environmental standards as a condition of winning a contract. This, in and of itself, should satisfy worker and environmental advocates. While the draft environmental impact study found a marginal environmental benefit to the exclusive model, they concluded that this marginal difference would *not* justify the severity of an exclusive system and the elimination of choice that it would cause. Furthermore, there is absolutely no reason to believe that exclusive zones would be any better for worker safety than a 3-5 hauler plan, when both use a competitive RFP process with worker safety requirements.

Therefore, our members are entirely opposed to an exclusive zones model. An exclusive zones model eliminates customer choice. Different haulers inevitably have some differences in service and cost, and our members must be allowed to continue to choose which one is the best fit for their business. Exclusive zones would offer no recourse for individual businesses who are dissatisfied with the service or cost dictated to them by their one zone hauler, and with proposed contract lengths of 10 years, restaurants could be left in the lurch for a decade before they see any chance of change. The exclusive zones model is the model that Los Angeles implemented, to disastrous effect, and they have since acknowledged their regret at choosing this model. Ironically, the fact that the DSNY plan does NOT call for exclusive zones was really the one piece of defense that could be logically sited to differentiate their proposal from the failed LA policy.

In conclusion, the New York State Restaurant Association is firmly opposed to exclusive

commercial waste zones. They would cause significant damage to restaurants in New York City, eliminating customer choice without reason. We therefore oppose Intro 1574, which would impose exclusive zones. This is the wrong move for our City, and would likely have lasting detrimental impact, just like what we're seeing in Los Angeles. We urge you to, at the very minimum, abandon the exclusivity of waste zones. Beyond that, we believe that the business community, especially restaurants, have valid concerns about how commercial waste zone reform will impact their operating costs, the viability of their business models, and their ability to sustain good New York jobs. We ask that their concerns be considered in equal earnest as the input from worker and environmental advocates. We appreciate your attention today, and hope that you take our testimony into consideration. We look forward to continued collaboration to create a fair, ethical, and environmentally friendly business environment for all New Yorkers.

Respectfully Submitted,

Kathleen Reilly

NYC Government Affairs Coordinator

New York State Restaurant Association

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New York, New York 10018

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**FOR THE RECORD**

**TESTIMONY FROM THE ASSOCIATION FOR A BETTER NEW YORK BEFORE THE SANITATION AND  
SOLID WASTE MANAGEMENT COMMITTEE**

June 27, 2019

Good morning and thank you for the opportunity to testify on the proposal to establish commercial waste zones and districts. The Association for a Better New York (ABNY) is a 46-year old civic organization that promotes the effective cooperation of public and private sectors to improve the quality of life for all New Yorkers, and as Executive Director, I want to thank the city and the committee for allowing me to testify and for inviting me to participate on the Advisory Board from Commercial Waste Zones since its inception in 2016.

The Advisory Board represented a broad representation of stakeholders, where the Department of Sanitation would regularly update on their research thinking and progress on their proposal. With all advisory boards on large citywide policy, there was often spirited and sometimes passionate discussion with a variety of concerns being represented and discussed. However, there seemed to be common goals well acknowledge and agreed by all parties in the room. From the city and industry perspective the legislation should aim to:

- Reduce the number of commercial waste truck trips citywide, to improve safety and reduce greenhouse gas emissions
- Improve driver and worker conditions

And from the customer perspective, the legislation should aim to:

- Maintain a reasonable amount of choice to allow businesses to meet their operations with a suitable waste hauling schedule and agreement
- Maintain enough competition to keep the costs reasonable

A point that is worth reiterating here is that even on a single block, under the zoned system, several truck trips may be still be required to meet the needs of the different uses in each building, the types of waste being hauled, and the operations of the businesses within the building. In a single building that has a cafeteria, an office space with heavy paper usage, a doctor's office, and a ground floor bodega, the building alone could require several different trucks just to collect the different types of waste: landfill, compost, paper recyclables, other recyclables and medical. And this does not yet discuss the varying operational needs between those businesses.

The concern with a single hauler in each district are similar to any scenario that imposes a monopoly - particularly for an essential service. If there was a single waste hauling provider with no choice and no options for recourse, the hauler would have the ability to dictate terms of hauling to the customer without consequence. This would include price, which is currently governed by a cap set by BIC, but would also include other important terms, such as timing of pick ups, types of pick ups

and separation – including the ability to create on demand pick ups in response to high waste generation events, and how the pick ups would work.

Additionally, the private sector has increasingly been independently motivated to demand more than legal minimums to show their customers and investors their level of corporate social responsibility regarding related issues like recycling rates and sustainability around their consumption cycle. The move to a monopoly system removes the incentive and ability for consumers to demand levels of reporting and better practices from their carters due to a lack of competition.

As we approach summer, and as we see our retail spaces in New York City becoming progressively more food-based, we are also increasingly concerned that the proposed legislation will grow the likelihood that more food-based or putrescible waste will be on the streets for longer, critically impacting the quality of life in the public realm with smells and leaky containers, as well as encroaching on the limited space on the city sidewalks.

It is conceivable that a singular hauler will provide customers with one or many limited windows for pick up that a business will have a difficult time accommodating (i.e. during food service times for a restaurant, or during times when a service elevator required to transport the waste is dedicated to other essential business uses). For some, that may cause the customer to store more waste somewhere onsite (storage space which may not be available or may attract vermin if stored for extended periods) or to leave it on the street for longer, or to resort to illegal dumping. It may not be a large percentage of customers that would be impacted in this way, but as we see around the city, it does not take a significant amount of garbage to cause unpleasant smells or undesirable physical spaces, and a small percentage could have a significant impact on our city.

Many hours were spent discussing a variety of scenarios like the above in the advisory board, which is why it was disappointing to see the legislation propose exclusive zones when the discussions at the advisory board did not lead to the same conclusions.

In any city, but one as large as New York City, there are few basic daily operations that the city needs to ensure it has under control that parallel the visibility and distinction of functional garbage collection. Similar to snow removal in the winter, we see how quickly the city is paralyzed and how quickly the public registers its grievances if not handled effectively.

We are supportive of the goals of making our city safer and greener through every available opportunity. However, we encourage the City Council to revisit the conversations and concerns of the Advisory Committee and the benefits of alternative proposals.

Thank you.

# New York City Council

## Committee on Sanitation and Solid Waste Management

Hearing Testimony:  
“Establishment of Commercial Waste Zones”



Susan C. Waltman, Executive Vice President, Legal, Regulatory, and Professional Affairs

**GREATER NEW YORK HOSPITAL ASSOCIATION**

Chair Reynoso and other members of the New York City Council’s Committee on Sanitation and Solid Waste Management, I am Susan C. Waltman, Executive Vice President for Legal, Regulatory, and Professional Affairs at Greater New York Hospital Association (GNYHA). GNYHA’s members include all hospitals in New York City, both public and voluntary, and hospitals throughout New York State, New Jersey, Connecticut, and Rhode Island.

We appreciate the opportunity to appear before you today to discuss Int. No. 1574, which would require the Department of Sanitation to establish no fewer than 20 commercial waste zones (CWZ) throughout the City and permit only one private waste disposal company or carter to provide collection, transport, and removal of commercial waste within each zone.

### **Summary of GNYHA’s Position and Recommendations**

As a representative of health care providers, we share the goals of the proposed CWZ program and of course support programs aimed at improving environmental quality, public health, and the health and safety of workers and the public. *We are concerned, however, about its potentially significant adverse impact on our members from both operational and cost standpoints, given hospitals’ unique waste streams, resulting waste management and disposal needs, and approach to purchasing waste disposal services.*

At the same time, and perhaps of greater importance, *we do not believe the collection of our members’ municipal solid waste contributes to the inefficiencies and concerns that have prompted the proposal*, in great part because their waste is most often collected in large compactor containers and transported directly to transfer stations, thereby minimizing the number of “vehicle miles traveled” to dispose of their waste.

As a result, *we urge the development of a framework within any resulting program that would permit hospitals to choose from a group of pre-approved, qualified waste disposal companies that would be regulated by the City, but be permitted to service hospitals, regardless of the zone in which the hospital is located. This approach would mitigate the negative impacts of the proposal on hospitals, but not undermine the goals of the program.*

We describe below in more detail the significant adverse impacts of the program as proposed, particularly its exclusive zone approach, why we believe our members do not contribute to the current system’s inefficiencies and concerns, and how we recommend addressing the collection of hospitals’ commercial waste within a CWZ framework.

### **Hospitals Have Unique Waste Streams and Waste Management Needs**

The CWZ proposal under consideration assumes that an organization in a particular zone will be limited to only one choice of waste disposal company for the collection of their municipal solid waste. This will mean, in all likelihood, that many hospitals will no longer be able to contract with their current waste management company with respect to the handling and disposal of this waste stream. Given the nature of hospital waste and the manner in which hospitals must handle and contract for its disposal, it is expected that the proposal will have a significant detrimental effect on hospital waste handling and pricing.

*Hospitals Generate Numerous Waste Streams, a Factor That Affects Both Service Needs and Costs:* Unlike most other types of facilities, hospitals generate more than a dozen types of waste, ranging from the

basic municipal solid waste that is the focus of the proposed CWZ program, to regulated medical, pathological, infectious, and genotoxic waste, i.e., chemotherapy waste.

*Although these special types of hospital waste are excluded from the CWZ proposal, hospitals must understandably select companies that are qualified to handle waste emanating from hospitals, regardless of the type of waste, and all such streams must be closely coordinated. As a result, hospitals will sometimes contract with a primary waste disposal company that agrees to oversee the management of all or some of the waste streams generated by a hospital. The primary company will often handle and dispose of certain waste streams themselves, e.g., medical waste, and in turn subcontract with other qualified companies to dispose of the hospital's other waste streams, including its municipal solid waste. In other cases, a hospital might contract separately for different waste streams. In any case, it is essential that hospitals be able to contract with companies qualified to handle their waste streams and that will engage in close coordination across companies.*

The cost of hospital waste management understandably takes into account the number of waste streams for which a disposal company may be responsible, with some hospitals paying a blended or flat fee rate that covers all waste streams under the auspices of their primary disposal company. Such consolidated contracts help reduce the costs and improve the efficiencies of collecting and disposing of multiple waste streams, an important feature for hospitals, which typically have limited storage and loading dock space to accommodate their different types of waste.

*Given the nature of hospital waste, it is exceptionally important that hospitals be able to choose disposal companies that will best serve their needs, with prompt, reliable, qualified, and coordinated service being essential. The CWZ proposal's severe limitation on the number of disposal companies available is likely to undermine the services and pricing available to hospitals under their existing arrangements.*

*Given Their Size, Hospitals are Currently Able to Negotiate Tailored Service Arrangements and Volume Discounts:* Separate from the contracting needs associated with the many types of waste generated by hospitals, hospitals are typically very large facilities and generate significant amounts of waste. In addition, most hospitals in New York City are members of larger health care systems.

By aggregating the purchasing of the waste management services needed across an entire health care system, *GNYHA members have been able to negotiate more tailored service arrangements, as well as lower prices for the management of their waste than many other types of generators.* Indeed, hospitals undertake significant efforts to negotiate carefully tailored disposal services and the best pricing possible, given the volume and nature of their waste.<sup>1</sup>

*Hospitals' ability to negotiate needed services and reasonable prices could be lost entirely or greatly diminished under the proposed CWZ program, given its limitation of the number of disposal companies available in each zone to only one and the resulting likelihood that hospitals that are part of systems located in multiple zones will not be able to contract with the same company system wide.*

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<sup>1</sup> GNYHA notes, for disclosure purposes, that a GNYHA affiliate offers several shared-service waste disposal agreements to its members, under which its affiliate earns administrative fees. Under those agreements, the waste companies may pick up municipal solid waste directly or through a subcontractor.

This negative impact will affect the vast majority of GNYHA members: approximately 80% of GNYHA's New York City member hospitals are part of systems whose hospitals are located in more than one of the zones proposed by the City's Department of Sanitation. In fact, there is one system whose hospitals are located in nine different zones.

*Hospitals Represent a Unique Sector that Serves the City's Most Vulnerable Communities, and Is Extremely Sensitive to Service Changes and Cost Increases.* While the goals of the CWZ program are important, GNYHA emphasizes that any increases in waste disposal costs caused by such a program will have a significant negative impact on New York City's hospitals and their ability to serve their communities. *Many GNYHA members are considered financially distressed or have been formally designated as "essential safety net" institutions by New York State, meaning they are critically important but financially vulnerable.* This is certainly true of the City's public hospitals as well as those voluntary hospitals caring for a large number of Medicaid and Medicare beneficiaries. To preserve vulnerable populations' access to care, New York State has established programs and funding streams to address the needs of these financially fragile hospitals, but the funding falls far short of the need.

While other types of buildings or industries might be able to absorb or pass along price increases for services, *health care facilities are simply not able to increase their prices or charges for most of the patients they serve.* In the vast majority of situations, health care facilities receive fixed payments from Medicare, Medicaid, and many insurers. When hospital costs increase, they must simply absorb them and are sometimes forced to limit the services they are able to provide.

### **The Transportation of Hospital Waste is Already Efficient and Does Not Contribute to the Problems that Triggered the CWZ Proposal**

The foregoing discussion focuses on the special features of hospitals' many waste streams, and the importance of having the ability to choose the right waste disposal company or companies. *However, also of importance is the fact that the transportation and disposal of hospital municipal solid waste are already handled efficiently and do not contribute to the problems the proposed CWZ program is designed to address.*

GNYHA's hospital members typically collect and aggregate their municipal solid waste from throughout their facilities in large containers located at their loading docks. The containers, which often hold 30 cubic yards of waste, are equipped with compactors that gradually compress the waste as it is added to the containers. The compactors are designed to maximize the amount of waste each container can hold. A picture of one type of compactor container is attached to this testimony.

Once the container is full, the hospital's waste disposal company picks up the container and transports it from the hospital directly to a transfer facility for disposal. Hospitals have different pick-up requirements, with some hospitals needing pick-up on demand, given the quantity of waste they generate, while others may have a regular pick-up schedule pegged to the usual pattern of their waste generation. They may also have different options for replacing the full container during transport, depending on the needs and location of the hospital. In some cases, the disposal company will exchange the full container for an empty container. In other cases, the disposal company will return the container, once emptied, to the hospital loading dock.

*Regardless of the arrangement, the companies that handle the collection and transportation of hospital waste are already transporting hospital municipal solid waste efficiently, given that they transport hospitals' full containers directly to a transfer facility. They do not engage in the meandering collection routes CWZ programs are designed to address, and they do not contribute to the environmental and other concerns that have been raised. In essence, the total "vehicle miles traveled" with respect to hospital waste under any CWZ program will, in all likelihood, be the same as the vehicle miles traveled today and will thus not generate any material environmental advantage beyond what already exists.*

### **New York City Should Establish a Framework that Minimizes the Proposal's Negative Impacts on Hospitals But that Will Not Undermine Program Goals**

As outlined above, the proposed CWZ program will have negative impacts on hospitals and how they manage their waste. At the same time, the current system for collecting and transporting hospital waste is already efficient and does not contribute to the problems that CWZ programs are designed to address.

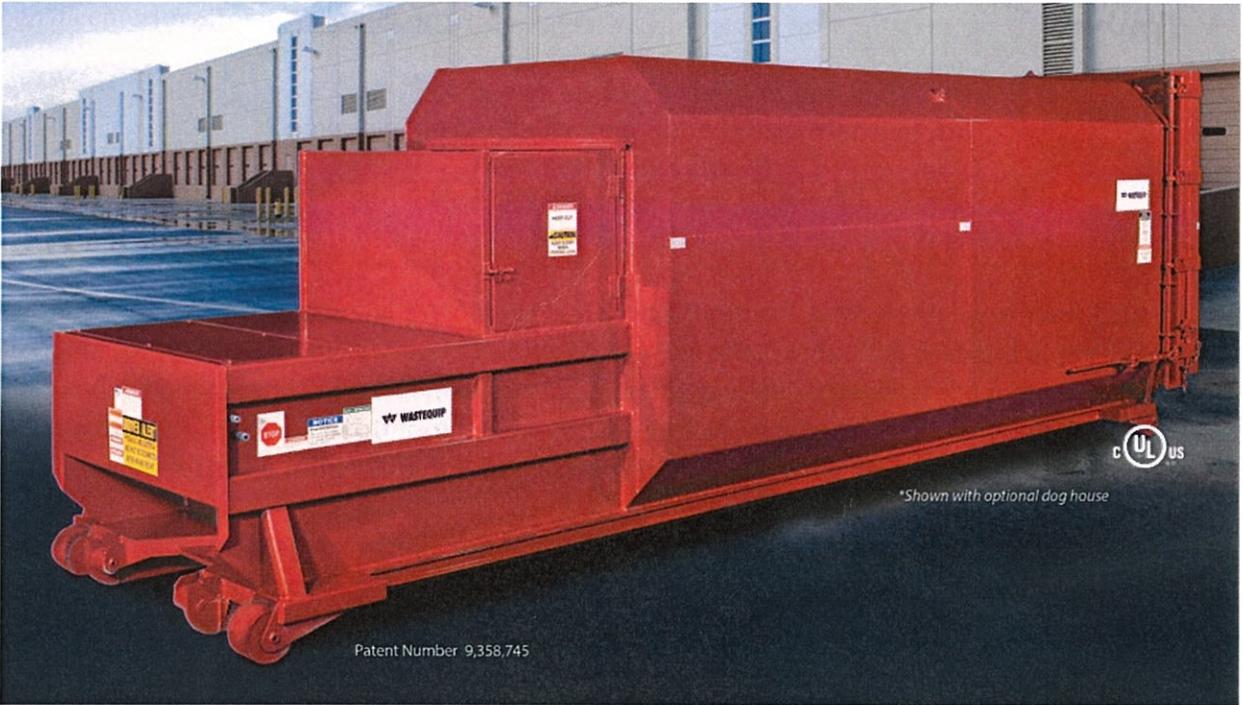
*GNYHA therefore strongly urges the City to develop a framework within any program ultimately adopted that would permit hospitals to choose from among a group of pre-approved disposal companies that would be qualified to handle hospital waste and service needs, as well as be permitted to collect and transport hospital waste regardless of the zone in which the hospital might be located. In addition, the City could retain the ability to regulate the companies as to safety and other factors as may be appropriate to the circumstances.*

*This framework would permit hospitals to continue to negotiate tailored service terms and favorable pricing, which are critically important factors for all New York City hospitals. It would, at the same time, not undermine the goals of the CWZ program because hospital waste is already collected and transported efficiently today. And, in the end, the City would be free to regulate the disposal companies as part of the pre-approval process as well as with respect to ongoing service or other considerations.*

**Preserving Current Subcontracting Arrangements.** GNYHA makes an additional recommendation. GNYHA would like to ensure that hospitals can continue to enter into arrangements that permit a primary waste company to oversee the management of all waste streams, perhaps dispose of certain waste streams directly, and subcontract for the disposal of the remaining waste streams, a configuration that currently exists in many hospital settings. For example, a company that specializes in the disposal of medical waste might contract with a hospital to handle the hospital's medical waste stream and then subcontract with other companies to handle the hospital's municipal solid waste and other types of waste. This arrangement results in efficiencies and pricing benefits for hospitals, given the myriad waste streams they generate. GNYHA requests that this type of arrangement be considered an acceptable subcontracting arrangement, regardless of any resulting position taken with respect to trade waste brokers in Int. No. 1574.

Thank you very much for the opportunity to appear before you today, and I am available to answer any questions you may have.

Example of Hospital Waste Compactor Container



*\*Shown with optional dog house*

Patent Number 9,358,745

Benjamin Miller, **Center for Zero Waste Design**  
[ben@centerforzerowastedesign.org](mailto:ben@centerforzerowastedesign.org)

FOR THE RECORD

**Testimony on Intro. 1574** to the  
Committee on Sanitation and Solid Waste Management  
New York City Council  
Hon. Antonio Reynoso, Chair  
June 27, 2019

There has never been a rational system for collecting commercial waste in New York City, or any plan for its overall management. Private carting, as practiced in the past and at present, is an unintended consequence of failures to examine the big picture to see how the parts fit together. We are therefore pleased to offer our support for Intro. 1574, which for the first time in the City's history offers a framework for developing a thoughtfully designed integrated system.

In 1915, New York stopped picking up waste from commercial buildings. Not because it had intended to. But because its attempt to begin charging businesses—who had previously received free service—backfired. The disposal contractor, who dumped the stuff in the ocean, would no longer allow refuse from non-residential buildings in his barges unless he got some of this new revenue himself. The Sanitation commissioner's response: screw that. Overnight, Sanitation stopped picking up business waste and private carters, who until then had only removed waste from large hotels and factories, became the only collection option for tens of thousands of new customers.<sup>1</sup>

In 1956, the private carting world was jolted again by the unintentional consequences of another attempt to save money. 50,000 companies on the ground floors of residential buildings were still getting free collection. City Hall's brain trust urged Sanitation to charge them. And warned the mayor not to allow these businesses to fall into the hands of the carting industry, which had recently changed its business model. The boss of Murder Inc. and his crew had moved into the Teamsters' local and trade waste associations. But Mayor Wagner—for whatever reason—handed these new customers to the carters.<sup>2</sup> The consequences lingered to the end of the century, when remedial control measures were finally introduced.

In 1982, another pricing change and another set of unintended consequences. Wanting the price to more accurately reflect the depletion cost of using our finite landfill space, the City doubled its tip fee at marine transfer stations.<sup>3</sup> In a handful of neighborhoods, dozens of private transfer stations suddenly appeared.

Since our history suggests that changes to this complex system occur only a few times a century, we should take full advantage of the current opportunity to address its critical problems and rectify some of the unintended consequences of past well-intentioned but muddled interventions.

The design for a rational commercial-waste system should do much more than just reduce unnecessary truck miles and improve performance and safety standards. As the mob bosses well-

understood, assuming long-term control over large customer routes offers powerful advantages. These are some of the problems these advantages could solve.

First, the transfer station problem. To remedy the problems of neighborhoods where private facilities are clustered, the City's network of marine stations was designed to accommodate both residential and commercial waste. But private carters won't abandon their own facilities and use the City's without some significant inducement or requirement. Franchise awards, in which specific waste sheds are linked to specific first-dump sites are the most efficient way to accomplish this end while also minimizing truck miles. This logic should be extended to garages and processing facilities, which should also be linked to specific zones. When optimally located sites are not available, the City should take all reasonable steps to facilitate such private developments or to offer public sites for this purpose. And where appropriate, these sites should allow shared access between different carters or between carters and DSNY.

Second, satisfying demand for processing capacity. Supply-side guarantees at predictable prices (which long-term exclusive franchises offer) are the necessary and sufficient pre-requisite for facility financing. There is a huge gap between the supply of local processing and disposal capacity and the latent demand. Which is why the most of our waste is sent to distant landfills at great environmental, social, and economic cost. If we don't develop this capacity we have zero chance of delivering zero waste to landfills by 2030—or any other wishful date. Financing and developing anaerobic digestion, waste-to-energy, and other forms of materials and energy-recovery facilities either within the city or nearby, should also be a requirement of franchise awards. Again, the City should assist in this effort to the maximum extent possible, including through facilitating access to sites and through access to institutional financing structures.

Third, collection infrastructure. Piling bags on the street to be picked at by rats, picked up by humans, and packed into trucks idling in front of every building is a barbaric way to collect waste. Where better systems are or could be made available, their development and use should also be a franchise condition.

I'm out of time. My written testimony suggests additional problems that could be addressed, and the system-design components needed to achieve them, and proposes amendments to Intro. 1574.

Thank you.

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<sup>1</sup> E.g., *Brooklyn Daily Eagle*, "City Won't Dispose of Private Rubbish;" *New York Times*, "Stop Free Removal of Business Waste;" *Standard Union*, "To Stop Taking Up Trade Waste," 8-1-1915.

<sup>2</sup> E.g., *Daily News*, "Says Refuse is Drain on City," 7-26-1954; "City Probes Private-Trash Gouge," 6-1-1955; "Monopoly Cry in Removal of Rubbish Sifted," 8-7-1955; "Urge City End Free Hauling of Private Refuse," 2-8-1956; "Approve Garbage Move," 2-10-1956. Bob Greene, "Murder of Anastasia Speeds Carting Probe," *Newsday*, 10-31-1957.

<sup>3</sup> Paul L. Montgomery, "Angry Carting Concerns to Act on 'Unfair' Rates," *New York Times*, 2-13-1982.

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## FOR THE RECORD

April Horton  
Government Affairs

June 26, 2019

Via Electronic Mail

**Re: Opposition of Verizon to proposed Intro 1574**

Verizon is opposed to Intro. 1574, which seeks to establish commercial waste zones.

Currently, Verizon contracts with carting companies to services over 100 facilities throughout the boroughs of New York City. We use carters to remove trash and waste. As a corporation with over 100 buildings, it is imperative that we are able to manage and keep costs down for our customers and shareholders by negotiating prices with potential vendors. With the introduction of this legislation, we can expect to see the following:

### **Increased Prices**

With a limited number of hauling companies within a waste zone or a single carter within a waste zone, Verizon expects pricing to rise significantly. This is due in large part to having less choice of haulers with whom to negotiate with based on our multiple locations.

### **Less Choices**

A competitive industry is essential for maintaining manageable costs. Having the flexibility to select carters based on numerous factor is an integral part of the procurement process. Not having a robust competitive industry of qualified carters for companies to choose from will diminish the quality of service suffers. In this instance a company is limited to one option and therefore beholden unto what is offered with respect to pricing, pickup times etc. Although there is a similar proposal being evaluated, limited choices still remains. . Essentially new entrants to the carting industry are discouraged thereby eliminating choice to work with different businesses specifically MWBE's.

### **Logistics**

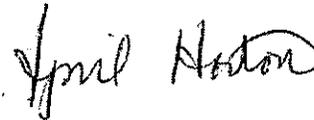
The new waste zone designation poses significant issues in the management of keyed entry access to Verizon buildings.. Verizon has more than 100 properties serviced by haulers in the 5 boroughs. All of these properties have varied forms of entry. This proposal would pose a security risks as well as administrative challenges.

Additionally, any plan, which provides for multiple carters within a waste zone but still limits the number of carters, does not create a reasonable alternative to Intro. 1574. These types of plans disrupt existing relationships between Verizon and our vendors, increase costs and disrupt the logistical chain.

The creation of waste zones would drastically affect Verizon's ability to service our facilities and ensure waste is efficiently removed. The waste zone designation will remove the decision-making process from the individual companies thereby forcing us to pay larger contract fees. Limiting the number of businesses that can operate within a specific area will serve as a disincentive to new businesses.

As a sustainably conscious corporation, we understand the importance of taking innovative approaches to address far-reaching issues such as pollution and congestion. While the concept of single carters and/or limiting the number of carters per waste zones are well intentioned, they in fact create layered challenged for companies.

Respectfully submitted,

A handwritten signature in black ink that reads "April Horton". The signature is written in a cursive, flowing style.

April Horton

FOR THE RECORD



**THE BUILDING OWNERS AND MANAGERS ASSOCIATION  
OF GREATER NEW YORK'S TESTIMONY ON INTRO NUMBER  
1574, A LOCAL LAW TO AMEND THE NEW YORK CITY  
CHARTER AND THE ADMINISTRATIVE CODE OF THE CITY  
OF NEW YORK, IN RELATION TO THE ESTABLISHMENT OF  
COMMERCIAL WASTE ZONES, AND TO REPEAL SECTIONS  
16-523 AND 16-524 OF SUCH CODE, RELATING TO A PILOT  
OF SPECIAL TRADE WASTE REMOVAL DISTRICTS, AND  
INT. NO. 1084-A, A LOCAL LAW TO AMEND THE  
ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN  
RELATION TO THE NUMBER OF EMPLOYEES ON TRADE  
WASTE HAULING VEHICLES**

**JUNE 27, 2019**

The Building Owners and Managers Association of Greater New York (BOMA New York) appreciates this opportunity to submit the below comments for the record. BOMA New York represents more than 750 property owners, managers, and building professionals who own or manage 400 million square feet of commercial space in New York City. We are an association within BOMA International, a federation of 90 US associations and 19 international affiliates that own and operate approximately 10.5 billion square feet of office space in the United States.

**Overview:**

BOMA New York is completely opposed to an exclusive Commercial Waste Zone (CWZ) program, whereby one hauler would handle each of at least 20 commercial waste zones, with one company potentially servicing up to 15 such zones. Such an approach would likely lead to a commercial waste hauling industry in New York City with as little as two to five significant companies, who would quickly gain a stranglehold on providing commercial waste services to all City businesses. This City-directed monopoly would invariably lead to higher costs and, more importantly to BOMA New York members, a significant deterioration in services and a diminution in the quality of life for all New Yorkers, as these companies would seek to maximize profits by cutting services and expenses. Therefore, BOMA New York vigorously opposes Intro Number 1574, as written.

Instead, BOMA New York would be willing to work with the Council and the City on a CWZ program that assured competition within zones and guaranteed that, at a minimum, businesses would continue to receive all services they currently enjoy. Such a system would require strict controls over hauling companies contracting with the City and robust feedback mechanisms to evaluate ongoing cost and service quality issues over time. This system would also need well thought-out mechanisms to prevent sudden shocks to the system, such as a contracted hauler going out of business or getting dropped for poor service, from inordinately impacting solid waste services in a district. Therefore, the eventual CWZ program would need to have in place and be able to deploy transition strategies that leave no gaps in services. See below for proposed amendments to the bill, although the list is not meant to be exhaustive.

#### **Opposition to Intro Number 1547:**

1. Any CWZ program reduces options for businesses to select service providers, and therefore the number of such providers that compete for business by minimizing charges and maximizing services. Intro Number 1547 does this in the most extreme way, limiting business's options to one provider. With zero competition, it is impossible to believe that companies, once they have won exclusive rights to zones, will not cut corners, reduce services, and eventually charge more for the services they do provide. The fact is that large commercial buildings in the City often have small windows of time for waste to be removed, and they have other specific service needs that must be provided for buildings to function properly. With competition available, a hauler who refuses or fails to provide proper services can easily be replaced.
2. The above problem is exacerbated by the contract length, which would be 10 years, with an option for the City to renew for up to 10 more years. The length of this contract gives the City-contracted haulers immense leverage to control services such as pickup frequency and timing that could have major impacts on buildings in the City and on City residents if garbage is not removed in a timely way.
3. The bill would establish at least 20 zones, and given the Department of Sanitation's (DSNY) work to date, there would likely be exactly 20 zones. A single company could win up to 15 zones. This means that as few as 2 companies could, and likely would, win contracts for all zones. Armed with 10- to 20-year contracts, these companies would constitute the entirety of the waste hauling industry servicing City buildings and businesses. So not only would competition within zones cease, but this bill would lock in a monopoly system into the future. Such a system is rife with risk at all levels.
4. As per number 3 above, the eventual winners of City contracts are almost certainly going to be a few large companies, including international corporations that do not currently operate in the City. Such a result means that dozens of City-based waste hauling companies will have to undertake entirely new businesses, such as hauling construction waste, in already crowded markets, or else shut down. The likely result of Intro Number 1547, therefore, is the loss of many small- and medium-sized family-owned in-City businesses.
5. Additional concerns with Intro Number 1547 are addressed below as proposed changes to the bill.

### **Proposed Changes to Intro Number 1547:**

1. Expand the number of carters per zone to 3 to 5, as per DSNY's proposed plan. All other proposals below are contingent on this one.
2. Building owners/managers must be able to cancel a contract with 30 days notice, or immediately "for cause." Many buildings have very specific waste handling needs and must be able to switch carters if the current one fails to or cannot meet the building's specific service requirements.
3. Allow for a Citywide zone that applies to roll-on roll-off containers that would be serviced by 8 companies. Buildings and businesses under this category are serviced by a truck that goes directly to their location, picks up a single container, and proceeds to a waste transfer station and straight back to the building to return the container. Therefore, truck travel is already minimal, and greater efficiency is not possible. By creating a citywide zone, DSNY could still select the companies used, but businesses with multiple locations could contract with a single company to service all locations. In addition, this would apply to a relatively small number of very large buildings where poor service would have the largest impacts.
4. Make sure there are transition plans if a company loses its contract or fails:
  - a. Having multiple carters in a district means that, if one can no longer service customers, the others could step in and take over while the City found a replacement.
  - b. Make companies responding to RFPs lay out transition plans that include scenarios where their contract is revoked or they go out of business.
  - c. Make sure DSNY can immediately release an RFP to replace a failed hauler, or if a hauler changes ownership or demonstrates ongoing service failures.
  - d. The ability of the Commissioner to change the boundaries of zones should only be allowed at the end of contracts for work in that zone.
5. Take additional measures to ensure high-quality service to businesses.
  - a. Section 10 of the proposed bill adds a paragraph xii to subdivision a of section 16-513 that allows the Commissioner of DSNY to suspend or revoke a license of a company with a contract to service a CWZ if they violate section 16-1002. Section 16-1002 covers, among other things, the obligations of a contract awardee, including to provide all service in the service agreement. This seems to be the only recourse for the City to punish awardees who fail to provide services. A more robust and multi-faceted process for monitoring service and ensuring that it is sufficient to meet each business's needs is needed. In addition, revoking or suspending a license will, along with punishing the offending hauler, also disrupt services. There needs to be a strong system in place whereby businesses can report service issues to haulers and to the City, and the City can take more appropriate actions to ensure all services are provided. For example, awardees should have to document and report to the City how they have resolved any and all complaints. In addition, there should be a review by the City every three years, with business stakeholder input, regarding overall quality of service. The review should include a published, public document stating conclusions.
  - b. Section 16-1002(c)(1) allows an awardee to deny a business service for lack of payment or "for good cause." The bill needs to clarify what "good cause" would

be. In addition, there needs to be a clear and formal dispute resolution process whereby only a third party, such as the Commissioner, could call for refusal of service, and only after a cure period.

- c. Businesses should be guaranteed, at a minimum, all services that they received prior to the initial implementation date of the CWZ program, including frequency and timing of pickups of all commercial waste.
- d. Allow the Commissioner to determine, based on service and costs, among other things, if more awardees are needed in a zone to provide all services, and to implement such a change through rulemaking.
- e. The bill should allow for the use of brokers.
- f. Contracts should be for five years at most, with proper and public review undertaken prior to renewal.

**Other Issues:**

1. Allowing different implementation dates for each district will lead to chaos. All districts should proceed on the same timeframe.
2. Because information such as proposed prices and types of service cannot be known until the City receives responses to the RFPs, there should be a clear mechanism to stop the process if costs throughout the City or in significant parts of it are too high, or if it appears that services offered will not be sufficient for significant numbers of businesses. "Services" here does not apply to broad measures, such as "collecting and disposing of waste," but to pick up times and other specific needs of businesses.
3. There should be a minimum of ten companies that will be awarded contracts to service zones. If there are not ten companies that qualify through the RFP program, the CWZ program should be re-thought.
4. Changes to awardee maximum charges allowed, authorized in 16-1002(c)(3), should only be allowed in consultation with businesses serviced by the awardee and must be based on an additional, documented, unforeseeable cost increase to the awardee. Any increase should be limited to 5% of the existing rate.
5. Although the bill includes a time requirement for the issuance of RFPs, there is no proposed time limit to the acceptance of proposals or the signing of contracts. This would seem to leave a lot of uncertainty as to when the CWZ program would be in place. An extended period might pose problems, as those not seeking contracts might start to leave the industry, potentially creating supply issues. This would be exacerbated by a system where some zones close out contracts while others take longer. This transition period needs to be thought out more and contained, time-wise.
6. Section 16-1002(b) allows the Department to release additional RFPs as needed. The circumstances that could lead to such additional RFPs being released need to be detailed. Would these be for proposed new zones? Or to replace a failed or revoked contract? If the latter, as stated elsewhere, the transition process needs to be further worked out in the bill.
7. Section 16-1002(b) states that "Where a proposer intends to arrange for designated carters other than the proposer to provide all or some portion of the services requested, such proposal shall provide the requested information with respect to each designated carter being proposed." Is it really intended that an eventual awardee could subcontract "all" of its services? In addition, the bill needs to be clearer as to what exactly "the requested information" is.

8. Section 16-1002(c)(18) requires DSNY to review "all contracts between the awardee and all designated carters or other subcontractors." To whom does "other subcontractors" refer? How do they fit into the CWZ program? The bill needs to clarify these matters.
9. Sections 16-504(b) and (d), 16-519, and 16-526(c)(4) all reference section 16-1003 when they should, it appears, refer to section 16-1002.
10. The terms "awardee" and "designated carter" should be distinct and not overlap, for clarity's sake.
11. Section 16-1003(c) needs clarification. It's meaning is virtually indiscernible.
12. The language in Section 16-1004 is entirely too broad and could lead to abuse. In particular, "other representations" "that have the capacity, tendency, or effect of misleading ..." needs significant clarification, especially as violations of this provision are onerous (in fact, at \$10,000 per violation, they are entirely too onerous and should be significantly reduced).

**Opposition to Intro Number 1084-A:**

BOMA New York Opposes this bill, which would require commercial waste haulers to have at least 3 workers per truck operating in the City. There is no justification for this requirement, which would add undue costs to commercial waste services. For example, DSNY does not require 3 workers per truck, and in fact reduced the number of workers per truck from 3 to 2 decades ago.



FOR THE RECORD

**NYC City Council Committee on Sanitation and Solid Waste Management  
Hearing on the Commercial Waste Zone Bill (Int. 1574)  
City Hall, June 27, 2019**

*Testimony by Phil Vos, Program Director, Energy Vision  
Email: vos@energy-vision.org Phone: 646-207-3785*

Energy Vision is an environmental 501(c)(3) that since 2007 has been studying alternative fuels for heavy vehicles. I'm grateful to the Chair and the Committee for the opportunity to testify regarding the Commercial Waste Zone bill, and would like to commend everyone involved for crafting a lengthy, complex and groundbreaking piece of legislation.

The goals of 2018's Commercial Waste Zone Plan included reducing air pollution and greenhouse gas emissions, and prioritizing investment in clean, modern, sustainable waste collection. Phrases like "clean fleets," "clean trucks" and "clean vehicles" appear repeatedly throughout the plan.

Reducing emissions and pollution and having clean, modern collection fleets go hand in hand. Cutting vehicle miles travelled (VMT) will only do part of the job of tackling emissions and pollution, especially in environmental justice communities that see heavy traffic to and from transfer stations and/or depots. In addressing climate change and clean air, cleaner, low emission trucks also play a crucial role. Related legislation should actively and clearly encourage their adoption.

It is unfortunate that as currently written, Intro. 1574 does not. There is a sole reference to cleaner fleets in §16-1002.b.6, where the legislation calls on the department, in evaluating proposals, to consider "the proposer's plan, *if any* [emphasis added], to reduce air pollution and greenhouse gas emissions through operational best practices, infrastructure investments, adoption of technologies or other sustainable solutions, including plans to invest in sustainable facilities and infrastructure for organics and recycling processing and plans to invest in low emission vehicles".

This section, on page 23 of a 48 page bill, lumps cleaner low emission vehicles and a handful of other environmental measures together in a single paragraph that starts with the words "if any." This does not send a clear message to proposers that they are expected to invest in cleaner vehicles, or in any of the other important measures listed.

Cleaner alternatives to the diesel trucks now used by NYC's commercial haulers are important to the environmental goals of the Commercial Waste Zone Plan and of New York City, and are available. Trucks fueled by compressed natural gas are successfully being used in L.A., Toronto, Phoenix, Milwaukee and other cities, as well as by major haulers like Republic Services and Waste Management. Such trucks account for about 60% of new refuse truck orders in the U.S. Electric refuse trucks will hopefully become a real option in the next few years.

Energy Vision's research into clean heavy duty vehicles indicates that to reduce greenhouse gas emissions and other pollutants *right now*, trucks fueled by compressed natural gas, or CNG, represent the proven, cost effective and road-ready option. According to the California Air Resources Board (CARB), use of CNG immediately cuts GHG emissions by 20% relative to diesel.

When CNG trucks are equipped with readily available Near Zero engines, the GHG reduction is more like 30%, and public-health-threatening nitrogen oxides are reduced by 90% or more below EPA requirements. Near zero engines have also been shown to reduce particulate matter by 70% or more relative to EPA standards.

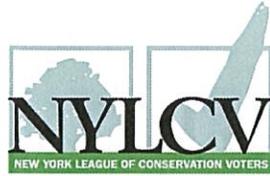
Critically, CNG vehicles can also be fueled with ultra-low emissions *biomethane*, made from organic waste. Decomposing organic materials naturally emit a methane rich “biogas.” When that biogas is captured—at landfills, wastewater treatment plants and from purpose-built “anaerobic digesters”—and upgraded by removing impurities, it becomes biomethane, which can be used to fuel CNG vehicles with no alteration to vehicles or dispensing equipment. But its life-cycle GHG emissions are 80% or more lower than diesel fuel, and 50% or more lower than conventional natural gas; made from food waste—of which New York City has an abundance—it can be net carbon negative, meaning that making the fuel prevents more GHG emissions than come from using it.

The use by commercial haulers of CNG trucks with near-zero engines—which are available right now—would achieve immediate and significant reduction in emissions both of climate damaging GHGs and of public-health-threatening nitrogen oxides and particulate matter. It also introduces an opportunity for those trucks to be fueled with carbon-neutral or -negative biomethane. With appropriate investment, carters could produce this clean renewable fuel from the same organic waste their trucks collect, creating a closed loop, circular economy system that also helps address the questions of solid waste disposal and eliminating methane emissions from landfill.

To achieve such a vision, however, the City must issue a call for commercial haulers to invest in clean, alternative fuel fleets. We would encourage the Committee to amend the legislation to send a clear message that proposers are expected to have a plan both for cleaner vehicles and for other environmental measures. This could potentially be done by breaking §16-1002.b.6 up into two (or more) separate paragraphs, one dedicated to low emission vehicles and the other(s) to the remaining practices and technologies. In addition, the words “if any” could be dropped from these paragraphs, leaving little doubt that proposers are expected to include plans to address air pollution and greenhouse gas emissions.

New York has a unique opportunity to address comprehensively the environmental impacts of its commercial waste hauling system, and should seize it.

Thank you.



FOR THE RECORD

**Statement of Adriana Espinoza  
NYC Program Director  
New York League of Conservation Voters  
City Council Committee on Sanitation and Solid Waste Management  
June 27, 2019**

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

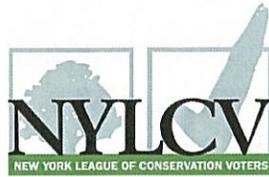
NYLCV strongly supports the City's plans to establish Commercial Waste Zones (CWZ) and we believe it can begin a transformational shift in our commercial waste management system from the glaringly inefficient and substandard system it is today towards a more sustainable future. This system can make our streets safer, our air cleaner, and bring us closer to the city's goal of zero waste to landfills by 2030 (0x30).

It is imperative that the enabling legislation, Intro 1574, is designed in a way that maximizes benefits to the environment. To that end, NYLCV will be advocating for its five top priorities for Intro 1574:

Waste Diversion

According to the draft generic environmental impact statement (DGEIS) prepared by the Department of Sanitation (DSNY), compared to current conditions, a commercial waste zone system is projected to lead to a 19% increase in the total diversion rate of waste from disposal to recycling. While this is encouraging, we could further increase this number by setting waste diversion goals for each zone. Having targets for each zone will promote local engagement to reach those goals, allow DSNY to track its progress, and help the city to reach its stated goal of 90% waste reduction by 2030.

A major roadblock to increasing the City's waste diversion rate is the lack of education. While the bill proposes allowing waste haulers to offer third party waste audits, which we support and could be very useful, it is also optional. Like residential customers, commercial customers need a robust public education on how to properly recycle. Businesses need to know both how to properly sort their waste and *why* they should. Without education that addresses both, we will not reach 0x30. Carters should also be directed to conduct consumer education as part of the CWZ system.



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

Reduction of Vehicle Miles Traveled

We are encouraged by the potential 66% reduction in vehicle miles traveled (VMT) that DSNY projects will result from this plan, as less VMT means fewer emissions from diesel exhaust. The toxic cocktail of gases and particulates that come from diesel trucks have serious impacts on our climate and on public health. Impacts that are especially felt in environmental justice communities. In addition, less circuitous routes will result in more alert drivers, leading to fewer accidents and fatalities, which will help to achieve the City's Vision Zero goals.

NYLCV recommends that Intro 1574 look at all common sense solutions to reduce VMT, some of which are already mentioned in the bill, including rewarding zones based on proximity to waste transfer and processing facilities, incentives for using a WTS closest to their zone, and investing in trucks that can haul both recyclable and putrescible waste for even further efficiency.

Prioritization for Clean Fleets

We believe CWZ presents an opportunity to spur a more rapid transition towards clean vehicle technology. As of April 2019, approximately 62% of the commercial waste trucks in the city were compliant with LL145 of 2013. This figure is far too low for a 12 year old standard, and though LL145 is a step in the right direction and the potential 66% VMT reduction for zones is promising, waste trucks should be as low emissions as possible in order to reduce the amount of NOx and particulate matter in the air, especially since these vehicles often start and end their routes in environmental justice communities. While the VMT reduction will have measurable impacts citywide, CWZ will do little to move the needle on air quality in neighborhoods like North Brooklyn or the South Bronx unless the disproportionately high number of haulers housed in those communities invest in cleaner fleets.

Companies that are already making efforts to reduce the environmental impact of their trucks beyond the requirements of LL145 should be given extra credit during the RFP selection process. Since a major goal of the CWZ system the City has proposed is reducing air pollution, giving companies with cleaner fleets extra points will not only be a boon in EJ communities, but also allow the City to meet its GHG reduction goals faster while ensuring that the carters chosen have a genuine commitment to cleaner air for New York City.



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

Green Jobs

The DGEIS estimates some loss in low and middle wage field jobs will accompany a move to CWZ, but an increase in jobs for recycling and organics collection and materials recovery facilities that outweighs the estimated loss. In addition to those, the CWZ program should also include a plan to increase the number of green jobs available in diversion sectors such

as food rescue, organics processing, and electronics recycling. Since a major goal of this system is protecting workers, Intro 1574 should also ensure that those who lose jobs as a result of this new system can find new ones in similar industries. That cannot be done without a plan and relevant training programs.

Support for Micro-Haulers

Under CWZ, we anticipate more businesses participating in recycling programs such as organics recycling, e-waste, or textile waste. While we want to encourage diverting this waste from landfills as much as possible, we know it is usually much lower volume and therefore not efficient to send out a large diesel truck for collection. For these reasons, the use of micro-haulers should be included explicitly in Intro 1574. Winning haulers should be encouraged to subcontract with these micro-haulers, which often operate with zero emissions vehicles (such as cargo bikes), to pick up smaller loads of recycled products with less frequency than a typical waste truck.

Some haulers might point out the cost of the above recommendations. However, the DGEIS showed that carters will save approximately \$46 million in operating costs as a result of the new zone routing efficiencies in this program. Some of those savings should be reinvested into cleaner engines, upgrading facilities to accommodate organic waste, customer education, and other practices that will reduce the environmental impact of the City's waste.

To conclude, Intro 1574 is a once in a generation opportunity to restructure an emissions intensive industry for the betterment of the environment, public health, and workers. NYLCV thanks Chair Reynoso and DSNY for their work on CWZ, look forward to advocating for the passage of this bill, and will continue to advocate for safer, more sustainable waste management systems in New York City.



New York City Council Committee on Sanitation & Solid Waste Management Hearing  
June 27, 2019

Testimony of Eric McClure, Executive Director, StreetsPAC

**Int. 1574-2019 – Support**

As advocates for improving the safety of the city's streets, we support the passage of Intro 1574, which would adopt exclusive Commercial Waste Zones in New York City.

As the analysis conducted for the Department of Sanitation's Draft Generic Environmental Impact Statement made clear, an exclusive waste zone program will lead to the largest possible reduction in vehicle miles traveled by commercial waste haulers, reducing overall VMT by approximately 60% versus the current non-zoned system. That equates to a reduction of nearly three million vehicle miles traveled annually.

This is critically important from the standpoint of safety, since drivers of commercial-waste vehicles have killed more than two-dozen people on New York City's streets over just the past five years. The current system, in which different carting companies drive routes that can crisscross the entire city, leads to some of the most reckless driving behaviors one can imagine: blatant running of red lights, wrong-way operation, backing up through intersections, and hazardous speeding. Anyone who's walked a street late at night in the city has witnessed this firsthand.

But private sanitation drivers don't set out to be a menace. That type of driving behavior is fed by the current dysfunctional system, in which overworked crews zigzag across the city in a nightly race to complete their haphazard, disjointed routes, frequently working 12- or 14-hour shifts. An exclusive zone system will greatly rationalize this current, dangerous mess.

Moreover, the reduction in VMT will be even more pronounced in the densest parts of the city. An exclusive-zone plan would reduce VMT in Midtown Manhattan by more than half versus a non-exclusive, multi-hauler arrangement.

This further reduction in VMT from an exclusive-zone system will provide important benefits aside from 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 an exclusive-zone system.

Finally, exclusive zones will require fewer trucks and less fuel, leading to significant cost savings for the commercial haulers awarded exclusive-zone contracts, savings that can

be passed along to customers, helping to offset concerns about increased costs due to reduced competition – which the city can and must manage through better regulation.

The long-term stability created by an exclusive-zone system will best enable private haulers to amortize investments in newer, cleaner, and safer trucks and technology, thanks to the stable customer base, predictable revenue stream, and long-term, enforceable contract with New York City that such a plan will create. While we're here today because of what an exclusive-zone system will mean for life and limb, these other benefits are substantial and meaningful.

We urge the Committee on Sanitation, and the full Council, to pass Intro 1574.



Testimony of Action Environmental Group, Inc.

Ronald Bergamini, CEO

New York City Council

Sanitation Committee

Honorable Antonio Reynoso

Committee Chairman

June 27, 2019

My name is Ron Bergamini. I am the CEO of Action Environmental Group, the parent company of Action Carting, NYC's largest hauler of commercial solid waste & recycling materials. We employ over 1,000 people with our entire labor force union members. There are a number of bills on your agenda today related to our industry; however, my testimony will focus on intro 1574, the Creation of Commercial Waste Zones.

Creating commercial waste zones is the most radical policy change in the history of New York City solid waste collection. We remained unconvinced that this is the only way to improve the system. However, if change is going to occur it needs to be done right. The proposal in the current legislation, to create competitively bid single hauler zones, gets it right. It will undoubtedly yield safer operations, lower VMTs, lower cost structure, and create a fairer environment for the employees.

The fundamental reasons for embarking on this effort are to: 1) improve safety for the public and private hauler employees, 2) reduce vehicle miles traveled for environmental benefits, and, 3) improve service to the customers. The reduction in vehicle miles traveled will reduce emissions and create operating efficiencies that can enhance customer relationships.

We have long advocated for stricter standards to receive and maintain a license. This is a difficult business and those who actually drive the trucks and pick up the waste and recyclable material work hard in stressful conditions usually in the middle of the night. We are constantly training our people in our Action University, we hold regular monthly safety meetings and our safety committees are made up of those doing the work.

We have maintained for a decade that many of the city's policy goals can be achieved through improving operational standards and adding them to the existing licensing requirements. The notable exceptions are reduced vehicle miles traveled and transparent pricing. Here we enter the debate of the choice between single hauler and multiple hauler districts.

*"Servicing All of Your Waste and Recycling Needs from the City to the Suburbs"*

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The Action Environmental Group



Of the two choices, Action strongly supports a single hauler system which produces the greatest reduction in VMT's. Even the goals of safer operations, better wages, and increased sustainability would benefit. A single hauler system is easily integrated with other City services. It requires only one-call to the zone designated hauler to assist the police in emergencies; manage street uses like parades, street fairs, and street closings; respond to noise complaints; and adjust to traffic, construction and store deliveries. Just one fun example – no garbage trucks in the theater district on Wednesday matinees.

All of the successful commercial waste franchise markets in the US follow a single hauler model, with clearly defined service and safety standards, and are based on competitive, transparent and well-defined pricing.

To those worried about specific service levels being maintained in a single player zone, I would urge you to describe your concerns and have the council or city require potential awardees to answer such concerns in their submissions. Essentially require the hauler to explain how we have the resources and know-how to do so.

While the single hauler in a zone may be the most important aspect of the bill, there are other issues that we hope to work with the Council and the Department on in the coming weeks. They include:

**Pricing.** This legislation discusses continuing a “Rate cap” structure. Other single hauler policies throughout the country create a Pricing Menu (like a utility structure). We prefer the Pricing Menu. Any legislation must make clear that periodically rates will need to be adjusted to suit market conditions and policy goals. For example, today's market conditions are the worst for recycling markets in decades. Such a fundamental change in one aspect of our business may not happen frequently but it does happen.

**Industry Standards.** The legislation calls for a set of standards to be set by the DSNY Commissioner. This point needs clarification. It seems to imply that anything may be considered. The Commissioner should seek input from industry stakeholders and the City Council to provide guidance for such standards.

**Innovation.** Action supports and advocates continued innovation in our industry. Safely collecting and disposing of waste throughout the city is a great responsibility. Those who do the hard work each and every night must be allowed to do so professionally, with fair wages and within an appropriate and supportive work environment. We are proud to be part of this discussion and remain committed to the city of New York sharing its stated goals of better service, sustainability and above all, safety.

Thank you.

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The Action Environmental Group





**June 27, 2019**

**Testimony of Nelson Eusebio  
Director of Government Relations  
National Supermarket Association**

*Before the*  
New York City Council

Committee on Sanitation & Solid Waste Management

*Regarding*  
Int. 1574 – Commercial Waste Zones

Good Morning. I want to thank Chairman Reynoso and the rest of the committee members for the opportunity to testify before you today.

My name is Nelson Eusebio and I'm the Director of Government Relations for the National Supermarket Association (NSA). NSA is a trade association that represents the interest of independent supermarket owners in New York and other urban cities throughout the East coast, Mid-Atlantic region and Florida. In the five boroughs alone, we represent over 400 stores that employ over 15,000 New Yorkers. Our members work hard every day to run their businesses, support their families and provide jobs and healthy food options to their communities.

I am here today to testify in regards to Introduction 1574, which establishes commercial waste zones and requires the Department of Sanitation to enter into exclusive agreements with private carters to operate in each zone. The bill as written will have a tremendous impact on small businesses, such as supermarkets, that rely on commercial carters to remove our garbage. Many of our members have had long-standing relationships with their carters and by establishing waste zones with one exclusive vendor, this bill is in essence creating a monopoly in each of the waste zones. Our members have enjoyed the benefits of long-term working relationships with their carters through discounted rates, flexible payment schedules, and reliable and consistent service.

We are concerned that an exclusive one vendor system will lead to a decrease in service and an increase in cost. By removing the free-market aspect of this business, the bill will force small businesses into a system where they have no bargaining power. For a waste zone system to work in New York City, there has to be more than one vendor in each zone. While we do not support any zoned system, if we had to exist in such and in order to protect the businesses, we would propose a system where there are at least five vendors in each system so that small businesses have the ability to choose between different providers. We also believe that businesses should have the ability to terminate an



agreement at will. Forcing a business to remain in an agreement with a commercial carter who may not be meeting their needs will only further harm small business. Additionally, the price cap included in the RFP should be defined clearly and not allow an opportunity for carters to include 'add-ons' at their discretion.

We would also like to see the bill amended to include a provision which requires DSNY to replace a vendor if one commercial carter in a zone is acquired by another company or goes out of business. It is imperative that there is continuous opportunity for businesses to choose between carters and the City should be committed to keeping the number of vendors at five in each zone. This type of provision would also safeguard the viability of the commercial carting industry and prevent a monopoly situation where two to three carters control all of the business in New York City.

Thank you for your consideration and we look forward to working with the Council on this issue.



Two Penn Plaza ■ Fifth Floor ■ New York, New York 10121

## Testimony on Intro 1574 to Establish Commercial Waste Zones in New York City

*Submitted to the New York City Council Committee on Sanitation and Solid Waste Management*

June 27, 2019

Good morning. I am Ana Champeny, the Director of City Studies at the Citizens Budget Commission (CBC). CBC is a nonpartisan, nonprofit think tank that promotes constructive change in the finances and services of New York State and New York City governments. Thank you for the opportunity to testify on Intro 1574. CBC strongly supports the establishment of commercial waste zones (CWZ) in New York City.

### **Commercial Waste Zones Would Benefit New York City**

As CBC's 2014 report, *Getting the Fiscal Waste Out of Solid Waste Collection in New York City*, documented, the current system of commercial waste collection is characterized by long, inefficient, and duplicative routes. As a result, commercial waste vehicles log extensive vehicle miles traveled (VMT), clogging city streets, releasing noxious emissions, and imposing wear and tear on City streets and noise on residents. In addition, other research and reporting has brought to light significant labor and safety challenges among some operators in the industry.

Establishing commercial waste zones can increase efficiency in collection, achieve substantial VMT reduction, and reduce the negative externalities imposed by long, duplicative routes by having fewer carters serve more customers within contiguous zones. In addition, shifting to a system in which the City contracts with commercial carters allows the City to implement standards for vehicle emissions, safety and training, labor standards, recycling, and other policy objectives through contract requirements.

### **NYC Should Create a Non-Exclusive CWZ Program**

Intro 1574, sponsored by Committee Chair Antonio Reynoso and supported by Council Speaker Corey Johnson and others, proposes to establish 20 "exclusive" zones, each served

by a single carter. The New York City Department of Sanitation (DSNY) proposed a non-exclusive zone model much along the lines of CBC's 2014 recommendation: 20 zones, each served by 3 to 5 carters. The Draft Generic Environmental Impact Statement (DGEIS) prepared by DSNY documents the benefits of both approaches; nonetheless, CBC supports non-exclusive zones for the following four reasons.

1. *Zones Provide Substantial VMT Reductions*

Going from the current system to a zone model would produce a 50 percent reduction in VMT.

2. *Exclusive Zones Provide Only Limited Benefit Over Non-Exclusive Zones*

The incremental benefits of exclusive zones are modest, with an overall VMT reduction of 58 percent, or 8 percentage points higher than a non-exclusive model. In other words, 86 percent of the potential VMT reduction could be achieved through non-exclusive zones.

3. *Non-Exclusive Zones Retain Customer Choice and Performance Incentives*

While a system of exclusive zones would involve multiple carters competing for the City's contract, it would end a customer's opportunity to negotiate with and select a waste carter. Once a carter has been exclusively awarded a zone, it has no additional incentive to reduce costs or improve service. As the only service provider in a zone, an exclusive carter would set pricing in accordance with its contract bid, and there would be no reason for the carter to charge any client less. In a nonexclusive zone model, carters compete not only to be awarded the contract, but also with the other carters in the zone for customers. This maintains incentives to keep costs down and deliver high-quality services that are available in competitive markets.

4. *Exclusive Zones Present Risk to the City if a Carter Fails to Deliver*

Exclusive zones pose risks to customers and taxpayers. If a contracted carter fails to perform collection as required or falls short of customer expectations, customers cannot shift their business to another carter. While DSNY will have oversight responsibility and enforcement capability, DSNY is unlikely to exercise the most severe enforcement tool—contract termination—because that would require DSNY to procure a new contractor rapidly and serve as interim carter. Another carter might not have the capacity to step in on short notice and serve an entire district.

Having DSNY be the default provider in an exclusive zone model is a potentially costly risk for the City. Collection by DSNY would cost more than collection by

private carters because DSNY collection costs, on average, are twice that of the private sector, and additional commercial collection by DSNY would likely be done on overtime, further increasing the cost. The carting fees paid by businesses would be insufficient to cover the City's cost; the City would need to seek reimbursement from the carter, or—more likely—taxpayers would pick up the cost.

### **Conclusion**

CWZ would significantly transform an industry that needs higher labor, safety, and environmental standards and more efficient operations. Reduced VMT will improve the quality of life in neighborhoods across the City. Non-exclusive zones capture this benefit and minimize risks both to customers and to taxpayers, and are preferable to exclusive zones.

The implementation will provide an opportunity for the City and industry to keep track of efficiency gains, environmental benefits, and customer service. The potential variation in the number of carters per zone provides further opportunity to refine the model in the future. The City's request for proposals should include detailed performance metrics to be tracked and made publicly available so that there can be a robust evaluation of the CWZ program that informs DSNY oversight and modifications to the program in future bidding.

Thank you for the opportunity to testify and I would be happy to answer any questions.

New York City Council  
Committee on Sanitation and Solid Waste Management

Hearing Date: 6/27/2019

Int. 1573 and 1574 regarding establishment of commercial waste zones

Testimony of Mark Dicus, Executive Director of the SoHo Broadway Initiative

My name is Mark Dicus. I'm the Executive Director of SoHo Broadway Initiative, the not-for-profit organization that manages the neighborhood improvement district along Broadway in SoHo. We represent those who live, work and own property on Broadway from Houston to Canal. The SoHo Broadway corridor is a vibrant mixed-use community that includes residential, office and retail operating side by side.

The Initiative is more familiar than it would like to be with the challenges of picking up and hauling commercial waste in SoHo's mixed-use community. The current system works well, but is inefficient, leading to too many trucks operating overlapping routes that create unhealthy air and noise pollution. Here in SoHo, where we have commercial buildings next to residential buildings, this inefficient system puts more trucks on the street to collect garbage overnight when our residents are also trying to get a good night's sleep.

We are pleased to see that the City Council is interested in reforming the current commercial waste management system to reduce truck traffic and improve air quality. While we support the creation of multiple commercial waste zones, an exclusive zone system with only one carter per zone would remove business choice and eliminate competition that will undoubtedly lead to increased costs for businesses. If a single carting company is unable to meet the needs of its customers, the exclusive zone system could create difficult-to-manage service issues and dirtier neighborhoods.

I urge the Council to adopt legislation that preserves competition, which gives businesses a choice and keeps prices competitive while also achieving the City's zero waste goals of reducing carbon emissions and air pollution. By reducing the number trucks that are operating overnight, the Initiative also thinks these changes could improve the quality of life of residents living in SoHo.

The SoHo Broadway Initiative is pleased to join a coalition that includes 10 Manhattan Business Improvement Districts supporting DSNY's commercial waste zone collection proposal.

Additionally, the Initiative asks that the proposed legislation include flexibility to allow BIDs to explore further commercial waste management innovations that support the City's long-term zero waste goals while also addressing some of the local challenges that

BIDs are addressing in their own communities. These innovations might include ways to further consolidate waste for more efficient collection, the introduction of new technology to further reduce emissions, or changes that might increase the diversion of recyclable and compostable material from our landfills in support of the City's zero waste goals.



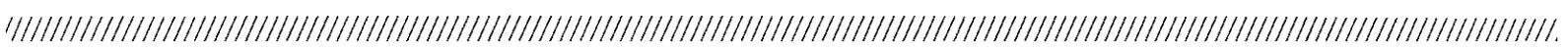
**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL  
 BEFORE THE NEW YORK CITY COUNCIL  
 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
 RE: INTRO. 1574 -- PROPOSED LEGISLATION  
 TO REFORM THE BROKEN COMMERCIAL WASTE COLLECTION SYSTEM  
 BY ESTABLISHING EXCLUSIVE COMMERCIAL WASTE ZONES**

June 27, 2019

Good morning, Chairman Reynoso and members of the Committee. My name is Eric A. Goldstein and I am New York City Environment Director at the Natural Resources Defense Council. As you know, NRDC is a national, non-profit legal and scientific organization active on a wide range of environmental health, natural resource protection and quality-of-life issues internationally, across the country and right here in New York City, where we have had our main offices since NRDC's founding in 1970. Over the decades, NRDC staff have had as one of our top regional priorities the goal of transforming New York's waste system from primary reliance on landfilling and incineration to one that has waste prevention, recycling, composting and equity as its cornerstones.

It's a pleasure to be here today, after much preparation and hard work by you, Mr. Chairman, as well as many of your Council colleagues and staff, officials at the New York City Department of Sanitation, my Transform Don't Trash brothers and sisters from the New York City Environmental Justice Alliance, the Teamsters, New York Lawyers for the Public Interest, ALIGN, and of course the courageous private sanitation workers who have spoken out, exposed deplorable working conditions, and inspired all of us over the past five years.

As this Committee knows well, the current system for commercial waste collection in New York City is completely broken. Every night, diesel-powered trucks from as many as 90 different privately-owned caring companies race across city streets in an irrational routing scheme that generates unnecessary pollution, threatens public safety and exploits the drivers and helpers who often receive low pay and few benefits for the dangerous work they do. Some routes require as many as 1,000 stops in all five boroughs, with shifts lasting 12 hours or more. Some neighborhoods have more than two dozen separate carters driving to stores on the very same block every night. West 57<sup>th</sup> Street in Manhattan is besieged by 26 carters whose trucks go to a total of 122 customers every night. Recycling and composting by these carters have mostly been after-thoughts. Making matters worse, the private carters haul 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. 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 your proposed legislation would do. In brief, the legislation would end haphazard and dangerous private carter routing by replacing that non-system 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 will enter into an agreement with a single carter who will receive a ten-year contract to collect commercial waste within that zone. The carter who secures 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.

Intro. 1574 would tackle every one of multiple problems posed by the current "system" of commercial waste handling. But nothing would be more important than the impact the legislation could have on curbing ground-level air pollution and global warming emissions. According to the Department of Sanitation's 2016 Commercial Waste Zone study, commercial waste collection trucks, under the existing regime, race up and down city streets, travelling 23 million miles every year. Under an exclusive zone system, the inefficiencies of having what is sometimes dozens of waste trucks driving down the same street every night would become a thing of the past. With one carter per zone, the City estimates that total vehicle miles traveled by the commercial waste collection trucks would be chopped by one half even two-thirds. Of course, the biggest reductions would come from an exclusive zone system. This could yield cutbacks of 42 to 64 percent in greenhouse gas emissions from waste trucks, as well as similar reductions in particulate matter discharges and other tailpipe poisons, such as nitrogen oxides and volatile organic compounds. See DSNY, "DSNY and BIC Release Study Showing Potential Benefits of Commercial Waste Collection Zones," August 17, 2016 and DSNY, "Commercial Waste Zones Results and Next Steps," August 2016 at 5. (All this would also bring ancillary benefits in terms of reduced traffic accidents and improved pedestrian and worker safety.)

But dramatic reductions in waste truck traffic is not the only air pollution benefit that would flow from an exclusive zone system. Big benefits would come from the ability of the city to award zone contracts to carters who committed to big changes in how they dispose of collected food waste. According to the U.S. Environmental Protection Agency, landfills are the third largest source of methane – a very potent global warming gas. And the major generator of landfill methane emissions is organics – food waste and yard waste. Composting organics or sending food waste and yard waste to anaerobic digestion facilities removes this source of methane emissions. But currently, only 1 percent of the city's commercial waste stream is composted or organically digested, according to self-reported numbers from private sanitation companies. (In contrast, Seattle has reported a 20 per cent commercial composting rate.) Under the proposed zoned system, contracts for each zone would be contingent upon, among other

things, carters' commitments to bring organics to composting or anaerobic digesting facilities. And 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 a commercial waste zone system could cut global warming emissions by 1.3 million tons a year. (And if New York City were to reach the Seattle rate for diversion of commercial waste from landfills, the savings could be as much as 2 million tons a year.) See Transform Don't Trash Coalition, "Fighting New York's Climate Emergency with Waste Zones," June 2019 at 7.

Finally, implementation of Intro. 1574 could also boost the anemic recycling efforts of the current commercial waste handling system. Way back in 1989, the City Council first required city businesses to participate in recycling. But 30 years later, the results remain disappointing. According to self-reported data from the commercial carters, less than 25% of the trash they collect is recycled or composted. That compares with 65% in Seattle, and far lower than other of the nation's leading sustainability cities such as San Francisco, San Jose and Portland. To be sure, markets for recyclables have taken a hit over the past year, as China has essentially stopped accepting shipments of recycled material from the U.S. But recyclables are commodities and their markets fluctuate just like the markets for cotton, silver or oil. And if New York City is ever to achieve its "Zero Waste to Landfills goal," which NRDC strongly supports, recycling in the commercial sector will have to dramatically improve. Commercial waste zoning offers a mechanism to accomplish this sustainability objective as well; another important criteria to be used by the Sanitation Department in evaluating potential recipients of zone contracts would be the extent to which the applicant commits to participating in robust recycling efforts.

From an environmental perspective, passage of Intro. 1574 would represent a milestone of progress in city waste handling. This bill would have to be ranked in the same league as the landmark climate change legislation passed by the Council earlier this year in terms of its overall environmental and equity benefits. And its enactment would usher in the most transformative change in solid waste handling here since the adoption of New York City's mandatory recycling program three decades ago.

At the same time, we are disappointed that the current legislation does not specifically encourage private carters seeking to secure waste zone contracts to make use of excess waste-handling capacity at the city's new Marine Transfer Stations. While this issue may have to be left for another day, NRDC notes that even with the many benefits of the proposed legislation, the South Bronx, North Brooklyn and Southeast Queens are likely to continue to host more than their fair share of environmentally troublesome private waste transfer stations. This long-simmering problem must also be addressed before it can be said that New York City's commercial waste handling system has been fully transformed.

NRDC strongly supports passage of Intro 1574 and the creation of an exclusive waste zone system in New York. And we thank you and your staff, Chairman Reynoso, as well as Speaker Corey Johnson and the one dozen other Councilmembers who have already agreed to co-sponsor this legislation, for your leadership on this issue.

**Testimony**  
**of**  
**Waste Connections of New York, Inc.**  
**Before the New York City Council Committee**  
**on Sanitation and Solid Waste Management**  
**Regarding a Local Law to Amend**  
**the City Charter and the Administrative Code of the City of**  
**New York in Relation to the creation of Commercial Trade**  
**Waste Removal Districts**

**Submitted to the**  
**New York City Council**  
**Honorable Antonio Reynoso**  
**Committee Chairman**

**By**  
**Andrew Moss, Government Affairs Manager**  
**June 28, 2019**



**WASTE CONNECTIONS**  
*Connect with the Future*

Waste Connections of New York respectfully submits the following testimony regarding Intro 1574, which would establish no less than 20 commercial waste zones throughout New York City.

**Waste Connections – Background Information:**

Waste Connections is the only publicly owned and publicly listed company picking up waste and recyclables in New York City. In New York City, Waste Connections proudly services thousands of commercial customers with excellent customer service. We employ over 300 hardworking men and women, 230 of whom are well paid union employees. The majority of our workers lives and works in New York City. We operate multiple facilities in both Brooklyn and the Bronx.

What sets Waste Connections apart from others in the industry, and something we are very proud of, is our published list of corporate values that we endeavor to meet every day.

Our first and foremost value is safety. We strive to assure complete safety of our employees, our customers and the public in all of our operations. Protection from accident or injury is paramount in all we do. In fact, we are the safest waste and recycling company operating in New York City.

Our second value is integrity. We define integrity as “saying what you will do and then doing it.” We keep our promises to our customers, our employees and our shareholders. We do the right thing, at the right time, for the right reason.

Our third value is customer service. We provide our customers the best possible service in a courteous, effective manner, showing respect for those we are fortunate to serve.

**Proposed legislation:**

Waste Connections whole hardily supports the City, this Committee, and Chairman Reynoso's efforts to reform the commercial waste and recycling industry as proposed by Intro 1574's creation of a minimum of 20 exclusive commercial waste zones. While we support this broad transformation this legislation seeks to achieve, the following comments are tailored to how we believe Intro 1574 can be improved to help achieve our common goal.

If the City is going to choose a franchise model, we support the proven exclusive zone model. Frankly, we fear a non-exclusive system would look too much like the present system we have now. For example, a company can possess all the best safety manuals yet not be safe if it is lacking the culture and commitment to act safely. It should be up to the City, through its competitive RFP process, to choose only the best companies that take safety seriously. Moreover, from a practical, operational perspective, we question what would happen in a multi carter zone where one carter fails to establish the necessary critical mass to successfully operate within a zone.

As stated at the beginning of this entire process, one of the primary goals was to reduce vehicle miles traveled. As proven in this legislation's environmental study, this is best accomplished in an exclusive model.

We suggest that the evaluation criteria of placing an artificially lower number for recyclable material should be removed. Subsidizing recyclables will not produce more recycled goods and less waste – the material is what it is. The law already exists that requires placing discarded material in the correct bin; the unintended consequence will be incentivizing recycling stream contamination.

The legislation's provision for Third Party Waste Audits is unnecessary in a competitive Request for Proposal process. Waste audits basically help a customer improve their building's waste handling operations. Waste auditing should be included as a covered service in any issued RFP along with the community outreach function. Otherwise if waste audits are offered as a free service to be provided by an outside party, literally every customer will request one every year and a cottage industry will develop that will cost millions of dollars. This cost can only be recouped through charging substantially higher prices than would otherwise be proposed.

We would like to see "good cause" added for choosing not to service a customer, specifically a "safety" exception that excuses non-performance until the particular dangerous situation is cured.

In an exclusive commercial waste district, there will not be a need for a “maximum” rate as there will be a negotiated scheduled rate covering all customers within the exclusive zone.

We suggest the legislation needs to have criteria in the selection process for those companies with a positive operating history.

We applaud the City’s efforts to require extensive initial and continued training. Our concern with this section is that it allow for the flexibility to accommodate the on-going learning and training that our company engages in on a daily, weekly and monthly basis. We don’t want to have to establish a rigid program that “checks the boxes” of the legislation without meeting the spirit of the legislation. For us safety is a culture that permeates our company. We want the ability for the training to be on-going as opposed to a one-time, sit in the classroom, and you are done situation.

We also support the proposed 10 year contract term as it allows for a fair return on invested capital that will be required for fulfilling our obligations.

### **Fear of Failure**

We want to address the concern some have raised that the City will be in a disadvantageous position should one of the exclusive haulers fail. We do not believe this to be the case for a number of reasons. First, the City has recently experienced the loss of two large commercial carters who had concentrated geographic routes. The City, in one of these cases, utilized the Department of Sanitation as a temporary backstop to quickly pivot and fill the void until other carters stepped in.

Next, presumably, winning proposers will be required to post performance bonds that can be called on to cover the costs incurred by the City should this unlikely event happen. Another solution would be to temporarily (or permanently) expand neighboring zones to encompass the vacated area. Regardless of the solution, other carters will be aggressively looking to fill the void just as competitively as the initial responses to the RFP process.

Thank you for the opportunity to testify and I am happy to take any questions you may have.

# Testimony on Intro 1574 2019

I would like to thank the council and Councilmember Reynoso for the opportunity to testify on this important legislation.

Yesterday in a standing-room only chamber, the council voted unanimously with one abstention to approve Resolution 864, declaring a climate emergency for New York City. As such, this makes New York City the largest city in the world to pass such a resolution and makes an undeniably strong statement about the city's position on climate change.

I think it's important to let that sink in for a moment. What does a "climate emergency" mean? It means simply that we are now facing the greatest threat that the human race has ever faced.

The last time American faced a similar threat was after the attack by the Japanese on Pearl Harbor. I think it's interesting to understand the effect that Pearl Harbor had on the American psyche. Suddenly rather than grouching about the "liberal" New Deal policies of FDR, businesses became a significant part of the war effort. The economy subsequently went into overdrive with record profits for US corporations, net gains in income for American workers and a huge growth in GDP.

Now we're facing a threat far greater than that posed by the Axis powers: literally the end of the human race due to climate change!

The Intergovernmental Panel on Climate Change (IPCC), in a Special Report ["Understanding Global Warming of 1.5 Degrees Celsius"](#) states that to avoid the catastrophic effects of an increase in global temperature greater than 1.5 degrees Celsius, we need to decrease net carbon emissions by 45% by 2030 and have a net zero carbon emissions by 2050.

To achieve net zero by 2050 will require everyone's involvement, including the carting industry.

After Pearl Harbor, Roosevelt brought in dozens of top business executives as "dollar-a-year" men to help run the government commissions so that businesses didn't feel the government was simply telling them what to do.

Let's do the same now in New York City with the carting industry.

I propose the following:

That the implementation of Intro 1574, once passed, be delayed for 30 days. During that time, the carting industry in conjunction with the Department of Sanitation and the Business Integrity Commission, must form a taskforce to create binding reductions in CO2 emissions, miles driven

and tons of waste dumped in the landfill. It must also institute binding policies to protect the rights of carting employees including safe working conditions, reasonable hours, job security, healthcare and pension plans. In short all of the working conditions enjoyed now by the workers at the Department of Sanitation. Failure of individual carters to meet these mandates must result in fines and penalties. If the industry fails to create this taskforce or the taskforce fails to agree on a set binding policies within 30 days, then the legislation will go into full effect.

I personally think it only fair the carting industry be given one last chance to reform itself before policies are put in effect that might well end the existence of many of our current carters. I hope you agree with me in this sentiment and can find it in yourselves to support my proposal.

For more on how the American economy responded to the Japanese attack on Pearl Harbor, I provide the following link.

<https://prospect.org/article/way-we-won-americas-economic-breakthrough-during-world-war-ii>

**Testimony of Melissa Iachan at  
City Council Committee on Sanitation and Solid Waste Management Hearing  
Regarding Commercial Waste Zones, and Other Bills Regulating the Trade  
Waste Industry  
Dated June 19, 2018**

Good morning, my name is Melissa Iachan, and I am a Senior Staff Attorney in the Environmental Justice Program at New York Lawyers for the Public Interest (“NYLPI”). NYLPI’s environmental justice program has focused on trying to bring equity into our city’s waste systems for more than two decades, and I have worked in the area of waste regulation for more than five years. NYLPI is a member of the Transform Don’t Trash coalition, and together with our coalition partners, we have spent the better part of the last five years advocating for a systemic overhaul of our private waste system, and so we are thrilled to be here today.

I would like to thank Chair Reynoso, and all the co-sponsors of Intro 1574, as well as the other members of the Sanitation Committee, for the opportunity to discuss and advance a holistic solution to the many problems in our commercial waste system, with public safety, worker’s rights, and equity at its core. Importantly, this bill could be a step towards much-needed and long-awaited relief for the communities in our City that have borne the brunt of our garbage for so long. I would also like to thank Commissioner Garcia, Justin Bland and DSNY for their efforts to find a way to work together to bring more sustainability AND equity into our city’s waste processing system.

Commercial waste zones represent a truly comprehensive policy with the opportunity to accomplish numerous goals in one fell swoop. The most obvious benefit is the vast reduction in vehicle miles traveled, which improves efficiency, reduces emissions from truck traffic, and improves working conditions and pressures for drivers and helpers who have been forced to complete outrageously long routes in one shift. But the commercial waste zone system has the potential to do so much more. Intro 1574 could also be one of the most significant pieces of climate legislation before the City or State this year. NYLPI’s new study shows that by simply achieving the diversion rate already in place in cities like Seattle and San Francisco, we would avoid 2 million tons of greenhouse gases each year

by reducing landfilling of commercial waste. The global climate crisis is too urgent to delay or bypass this opportunity to take action. Intro 1574, as written, is a good start towards building a system with the potential to accomplish these goals, but must be strengthened to truly set the framework for the most progressive, safest, greenest, and equitable private sanitation system.

- **EJ:** As you have heard and will hear from residents of communities where waste transfer stations and truck depots are clustered, these communities face dangerous streets due to speeding garbage trucks, have higher rates of asthma and respiratory and health problems due to the idling diesel-burning trucks congregating around waste transfer stations, and also have to endure the foul odors, toxic leachate, and vermin that garbage facilities so notoriously produce. Intro 1574 already has key provisions to ensure that any company submitting a bid would have to demonstrate investments in safety and cleaner burning trucks, which will go a long way to improving the quality of life in overburdened communities, but the bill must do more. In addition to requiring haulers to submit a disposal plan and giving points to haulers who dispose at facilities proximate to their routes and/or truck depots, and to haulers who dispose at facilities who export waste via barge or rail, which the bill already does and we are grateful for, the communities most impacted by private sanitation companies would benefit if a proposer also can get points added or docked from the proposal based on its designated transfer stations' compliance with local, state and federal laws and/or history of violations. In particular, §16-1002(b)(5) can be easily amended to add this additional criteria regarding waste facility standards.
- Furthermore, we suggest that, as part of each hauler's proposal, they outline their impact on communities surrounding their garage or truck depot, and if applicable their transfer facilities (if they own them), and any plans to mitigate negative impacts and/or invest in or engage with the community in a collaborative and positive manner.

- **Other key ways to strengthen the bill.** Facility standards are not the only amendment we suggest to strengthen this legislation. This bill can also be strengthened to help the City accomplish its Zero Waste goals:
  - In order to really give adequate weight to proposers' investments in facilities to increase recycling and organics-processing capacity that can nudge New York City's abysmal recycling and diversion rates higher, §16-1002(b)(6) should be divided into two separate criteria for the RFP, giving equal and sufficient weight to a proposer's plans to invest in infrastructure for organics and recycling processing as its own factor, separate and apart from the equally important commitment to invest in low emission vehicles, which we believe should be a requirement and not simply a criteria. We also believe that the City should set specific diversion targets per zone, and require haulers to submit their plans to meet that diversion target as part of their proposals.
  - We believe an additional criteria should be added to the RFP criteria related to job creation. For example, the proposing hauler should submit the number and type of jobs their proposal will create. The haulers should also be required to commit to hiring of the displaced workers list maintained under existing law by the Business Integrity Commission.
  - Intro 1574 can also be strengthened by including specific reporting requirements in section §16-1002(c)(9), rather than the current catch-all language. For example, haulers granted the right to collect in a zone should be required to keep records of and to report to DSNY (i) their collection route, (ii) the quantity of waste collected, and quantity of waste recycled, (iii) specific services being provided, (iv) rates charged, (v) purchase and use of any green technologies, (vi) number of full time and part time employees, including designation of whether they were hired from displaced employee list, (vii) any warnings or violations issued from agencies for violating local, state

or federal law; and (viii) any employee injuries, accidents, or workplace violations alleged or occurred.

- We also believe that any ability to subcontract should be strictly limited and regulated, and suggest including incentives to support smaller, sustainability-minded businesses owned by women and other minority business owners.
- **Other bills:**
  - We also would like to express our general support of Intro 1082, Intro 1083, Intro 1573, and Intro 1575. We do not believe that any one of these bills alone will solve the many problems we have spent so many hours in these chambers highlighting with private sanitation and the current flawed regulatory system of the industry, but believe that these, in tandem with Intro 1574, have the potential to truly transform the private waste industry.
  - As to Intro 1084, at this time we believe that more conversations should happen between the Council, labor organizations representing private sanitation workers, and employers to better refine and understand exactly what the need is for this sort of legislation.
  - Finally, while we support the spirit and intent of Intro 1611, we still have concerns about providing the Business Integrity Commission more power when they have so clearly struggled to regulate the carting industry in recent years. We are not certain that giving them yet more subjects over which to have oversight is the solution to fixing the other half of private sanitation—the troubled disposal facilities. However, we look forward to the possibility of having more concrete and robust discussions with Council Member Torres and the members of this Committee as to how best to strengthen the City’s ability to truly regulate all aspects of the commercial waste system, from collection to disposal.



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We look forward to continuing to collaborate with the Council, DSNY and our coalition members to strengthen Intro 1574 and these other bills to truly bring transformative progress to our commercial waste system and our city.

Thank you.



***Dedicated to restoring, revealing and revitalizing Newtown Creek***

***520 Kingsland Avenue, 3rd Fl, Brooklyn, NY 11222***

Testimony of Newtown Creek Alliance

Prepared by Lisa Bloodgood

Presented to the New York City Council

Committee on Sanitation and Solid Waste Management

Re: Introduction 1574-2019

Good morning, my name is Lisa Bloodgood. I am here to speak on behalf of the Newtown Creek Alliance (NCA). NCA is a community-based organization that works to restore, reveal, and revitalize Newtown Creek. We are unique in New York City because we advocate for environmental remediation, industrial retention, and community health. Where many might see opposing points of view, we have been able to find common ground. We appreciate the opportunity to bring this point of view to the discussion today. Although we feel there are improvements to be made, my testimony today will outline our strong support for Intro 1574.

As something that touches the life of every New Yorker, the commercial waste industry in New York City is badly in need of reform. Six nights a week, thousands of privately operated waste collection vehicles depart garages located in outer borough neighborhoods to criss-cross the city, following grossly inefficient routes that generate needless air pollution, noise, and safety hazards for communities and workers alike. Whereas DSNY can collect a ton of garbage in approximately four miles, the typical private carter, owing to the fact that their business customers are spread over multiple community districts and boroughs, needs to drive three times as far to collect the same load.

Intro 1574 will bring exclusive commercial waste zones to New York City. Having an exclusive system whereby each zone will be serviced by a single carting company will move us away from a "Wild West" commercial waste system that poisons our air, compromises road safety, exploits workers, takes advantage of small businesses, increases maintenance costs for roads and bridges, and contributes to New York City's abysmal commercial recycling rate of 21 percent.

While we support Intro 1574 because of the tremendous environmental and public health benefits it will confer upon the City as a whole, there is room for improvement. The bill does nothing to reduce the inequitable concentration of waste transfer stations in Queens and Brooklyn located just upland of Newtown Creek. The neighborhoods surrounding Newtown Creek host a disproportionate number of truck-based waste

transfer stations relative to the rest of the city. Collectively, these transfer stations handle almost 40% of the over 12 million tons of waste moving through New York City annually. This is the densest concentration of waste transfer stations in the five boroughs, and this clustering negatively impacts both community health and public infrastructure. Even worse, many of the waste transfer stations in business near Newtown Creek are poorly operated, creating hazards for both workers and the community. At a minimum, these facilities need to be in compliance with the City's zoning codes and OSHA regulations; shockingly, the current legislation requires neither.

We appreciate that Intro 1574 will establish a preference for carters who propose to dispose of waste at transfer stations that are geographically proximate to each designated zone, but more needs to be done to ensure the number of carting vehicles traversing our neighborhood streets is reduced. While the implementation of exclusive commercial waste zones will reduce vehicle miles traveled in mid-town by a huge margin, it will reduce truck traffic in our communities only marginally if at all. Yes, commercial carting vehicles will travel shorter more efficient routes through mid-town Manhattan, but those truck trips will still begin and end in our community because our community is where the garages and transfer stations are located and where the long-haul tractor trailers carrying waste for export begin their journey to out of state landfills. Finally, the bill also fails to create a mechanism to increase the diversion of waste from landfills, an important goal of OneNYC that this legislation should explicitly advance.

While today's legislation is a step in the right direction, NCA asks that our City leaders take additional steps to reduce the inequitable concentration of waste infrastructure in low-income communities and communities of color, ensure that waste transfer stations are in compliance with City zoning and OSHA regulations, and make a serious effort to move towards OneNYC's goal of zero waste.

Thank you again for your leadership and the opportunity to speak today.

Via Email: [cwzcomments@dshny.nyc.gov](mailto:cwzcomments@dshny.nyc.gov)

Abas Braimah

New York City Department of Sanitation

Bureau of Legal Affairs

125 Worth Street, Room 708

New York, New York 10013

March 29, 2019

Re: Draft Generic Environmental Impact Statement (“DGEIS”) for the Proposed New York City Commercial Waste Zone Program

Dear Mr. Braimah:

On behalf of the Budget, Education and City Services Committee of Manhattan Community Board Five (CB5), I am pleased to submit these comments on the DGEIS for the proposed New York City Commercial Waste Zone. As you know, our Board – like our counterpart community boards across the City - is charged with an important advisory role in shaping the character of our district and working with elected officials and government agencies to ensure that city services run smoothly.

We appreciate the Department’s commitment to community outreach and engagement and acknowledge the extensive hours already logged to review the proposal with all stakeholders and thank the Department for extending the DGEIS comment period.

Our committee members also endorse the goals underlying the proposal, which are:

- **Zero Waste:** Reduce commercial waste disposal and incentivize recycling.
- **Environmental Health:** Reduce truck traffic throughout the city to reduce air pollution and improve quality of life.
- **Pricing:** Provide fair, transparent pricing with low prices for businesses.
- **Customer Service:** Strengthen customer service standards and establish accountability.
- **Health and Safety:** Improve training and safety standards to make the industry safer for workers and the public.
- **Labor and Worker Rights:** Improve industry labor standards and uphold worker rights.
- **Infrastructure and Waste Management:** Prioritize investments in clean, modern fleets and facilities that make up a reliable, resilient, and sustainable waste management system.
- **Robust, Competitive Industry:** Create a system that works for carters of all sizes and prevents overreliance on any single company.

Manhattan Community District 5 is at the core of the Central Business District of the tri-state metropolitan area and is an ever-transforming collection of large and small commercial, light-manufacturing, entertainment, leisure businesses, as well as residential neighborhoods. This proposal will have massive impacts on the businesses, customers and environment in CB5, as the Department acknowledged in the DGEIS. At our public meeting and through additional outreach with affected stakeholder groups and representatives we have found general agreement with these goals but a clear lack of agreement whether the City’s plan will contribute significantly to their achievement, and many questions about operational and transition issues.

We appreciate that the Department expects to address many of these operational and transition questions during the RFP process, and to the extent our comments below cannot be addressed in the DGEIS we suggest the Department consider additional stakeholder engagement as it prepares for the City Council legislative process to authorize the CWS program.

1. **Routing Data.** In January we asked the Department to address several questions about the data, including the vehicle miles traveled analysis. We pointed out, and have been advised by other stakeholders, that the routing data may not provide a sufficient basis on which to base this major change in public policy. The DGEIS does not address this point directly, but instead simply states that the routing data was collected between March 4, 2018 and March 17, 2018. The Department’s Response to the Comments on the DSOW provides further insight that the Department’s proposal is based on collection routes and schedules requested from carriers for the period of

March 4-11, 2018, but that, due to a snowstorm impacting collection activities from March 6-March 8, 2018 carters were also directed to provide information for the dates of March 13-March 15, 2018.

We recommend the Department confirm with the Business Integrity Commission (BIC) that it exercised its authority to audit the drivers' route trips and that, in the opinion of the BIC, the routing data is a fair and accurate representation of the current routes. We recommend the Department then confirm the results of the BIC audit with the carters, or devise another method to solicit and report accurate data. The entire exercise proposed in the CWZ is premised on this data and it warrants further attention.

2. **No Action and Proposed Action VMT.** We recommend the DGEIS contain a more thorough analysis of exactly how the increased efficiencies from the CWZ were calculated. While we understand the logic that limiting route lengths will reduce VMTs, the DGEIS does not set out the calculation, instead simply concluding, “. . . the increased efficiency coupled with the increased diversion to recycling and organics would result in an overall decrease of overlapping trucks along road segments which would result in decreased VMT within New York City and region-wide for travel to transfer stations and garages. . .” DGEIS, page 5-3. As the entire exercise proposed in the CWZ is premised on this calculation it warrants further elucidation.
3. **Governance and Administration.** The proposal calls for the creation of a Department of Sanitation Division of Commercial Waste to administer the program, along with the BIC. We recommend that the authorizing legislation set out a clear organizational structure and delineation of responsibilities to promote communication among city agencies (e.g., 311 operators can effectively route and log complaints of missed pickups or usurping of duties), as well as communications between DSNY & BIC and private carters, businesses, residents, and community groups. DSNY should also consider creating Community Advisory Boards for the program based on borough or zone. This will further ensure accountability, transparency, and protect all those involved in the program from price manipulation or the malfeasance of one bad actor.
4. **Operational Issues during and after the Transition.** Our community district contains perhaps the highest density of commercial and office spaces in the city. Unlike a residential generator, these commercial generators depend on strict adherence to the pick-up times and frequency they have negotiated so they can meet other commercial and regulatory requirements. The DGEIS states that current pick-up times and frequency of pick-ups “would be expected to remain the same as under the No Action condition” but this does not provide sufficient assurance to these businesses. We recommend that the authorizing legislation require the Department to provide not less than the same level of service to each current user. In addition, we recommend the Department encourage CWZ zone winning bidders to subcontract with micro-carters and others to provide specialized services. We commend the Department for recognizing the potential value of these micro-carters and we encourage the Department to include in the authorizing legislation a requirement that the DSNY will provide bidding assistance to carters of all sizes prior to the release of the CWZ Program RFP and during the contemplated negotiation with the winning Zone bidders.
5. **Possible Phase-In Period.** We recommend the Department consider a system to phase in a limited number of zones in each borough at the outset of the program. The results from these limited programs could be compared to pre-established benchmarks, including the VMT reductions contemplated in the DGEIS. When achieved, these results could trigger the authorization of additional zones. If not achieved, these results could be used to drive necessary changes so the program will deliver as promised. The city's Business Improvement Districts could also act as partners in this program, and their boundaries should be considered for piloting zoned commercial waste.
6. **Air Pollution.** Manhattan Community District 5 has the highest Fine Particulate Matter (PM2.5) air pollution of any community district in the city. The proposal has our community district (CD 105) with two commercial carting zones (zones MN-03 and MN-04) within it. The proposal allows five commercial carters to operate in both of MN-03 and MN-04. Under the proposal, no other zones have this large number of carters and no other district has two zones or 10 carters. We ask DSNY to include in the RFP for these zones a requirement of an all-electric fleet for commercial carters and their subcontractors.

Thank you for your consideration.



## **Testimony of the Brooklyn Solid Waste Advisory Board**

NYC City Council Committee on Sanitation and Solid Waste Management

In relation to the proposed Intro 1574 (2019) regarding the creation of a commercial waste collection zoning system.

Thursday, June 27<sup>th</sup>, 2019

Good morning, Chairman Reynoso and members of the Committee. My name is Dylan Oakley and I am the Chair of the Legislative Committee of the Brooklyn Solid Waste Advisory Board (BkSWAB). BkSWAB is a volunteer citizens organization with a mission of helping New York City achieve its zero waste goals. Our members are appointed by the Brooklyn Borough President and tasked with advising the Borough President, City Council Members, City Administration, NY State Legislators, and others on matters related to materials management, and specifically waste prevention, recycling and other beneficial reuse.

The BkSWAB respects that transitioning NYC's commercial waste collection sector to a zoned franchising system is a complicated issue – politically and otherwise, and that it would be hard to overstate the implications and impacts that this plan and how it is implemented will have for a long time to come. While there is no consensus among our members around the franchising approach, let alone the particulars of how the zone maps are to be drawn or how many licensees assigned per zone, we do see this debate and potential subsequent transition period as a chance for the City to reaffirm its commitment to a zero waste future. While we are heartened by the City's efforts in recent years to increase commercial recycling rates – notably by simplifying the commercial recycling rules and expanding organics collection requirements – confusion still abounds in the NYC workplace around recycling. While many companies and organizations have cultivated robust recycling cultures, far too many others simply have no recycling program, while others still make inconsistent efforts with inadequate results. Where many commercial tenants desire to recycle, a lack of understanding all too often exists around the roles and responsibilities of employees, building management and operations staff, and the carters themselves, breeding skepticism around recycling endeavors and further discouraging participation in diversion efforts and ownership of one's position in the lifecycle of materials.

Intro 1574 makes reference to “outreach and education” of commercial tenants in several different passages, including as an element of a potential franchisee's plan to “support reduction, reuse and recycling among commercial establishments within the zone”.

Elsewhere in the legislation “outreach and education” seems to refer simply to helping customers transition to a zoned collection system. We believe this is a significant opportunity to provide true outreach and effective education regarding the value of the City’s zero waste goal. Such awareness of the importance of the commercial sector’s participation in waste reduction and diversion efforts has always been missing and yet is crucial for any hope of progressing toward the City’s stated target of ending the export of waste to landfills. We would like to see the goals, methods and means of the outreach and education referred to in this legislation more clearly stated.

Another tool for waste reduction and diversion referenced more than once in Intro 1574 is waste audits, and the bill includes “a requirement that the designated carter(s) offer third-party waste audit services to all customers...” We would go further and recommend that customers be required to undergo a third-party waste audit at the start of the agreement with the carter, and then at regularly occurring intervals - as determined by the department - thereafter. Such a requirement would provide actionable visibility into a waste generator’s performance and progress in meeting reduction or diversion goals established by the department. The audit would provide the groundwork for waste generators to evaluate their material flows and devise reduction and diversion strategies, from making informed procurement decisions to employee training, which would of course be incentivized by the pricing structures framed in this bill. Such insight into the changing composition of commercial material outputs would be invaluable for the transport, processing and disposal or recycling industries, and would provide a considerable boost to the field of zero waste advisement professionals. The City has successfully revolutionized awareness of energy performance in its built environment through required energy benchmarking, compulsory energy audits, and now mandated greenhouse gas emissions caps for buildings. Why not do the same for materials waste?

Thank you for the opportunity to testify today. The BkSWAB looks forward to helping New York City become a truly zero waste city.

**The Brooklyn Solid Waste Advisory Board**

Chair: Shari Rueckl; Vice Chair: Celeste McMickle; Secretary: Elizabeth Royzman; Sergeant at Arms: Suzan Frazier; Members: Sarah Bloomquist, Kendall Christiansen, Pablo Garcia, Rhonda Keyser, Dylan Oakley, Vandra Thorburn, Greg Todd, Phil Vos



## **TESTIMONY OF THE MANHATTAN SOLID WASTE ADVISORY BOARD**

### **Int. 1574: Establishment of Commercial Waste Zones**

Chair Reynoso, distinguished members of the Committee on Sanitation and Solid Waste Management, thank you for this opportunity to speak to this Committee on behalf of the Manhattan Solid Waste Advisory Board. My name is Brendan Sexton, and I serve as a member of the Board.

The Manhattan Solid Waste Advisory Board (or MSWAB) is a volunteer citizens' advisory board dedicated to helping NYC achieve its zero waste goals. We advise the Manhattan Borough President, City Council, City Administration and others on policies and programs regarding the development, promotion and operation of the City's waste prevention, reuse and recycling programs. We are a Board comprised of solid waste management industry, waste reduction and diversion consultants, sustainability professionals, and concerned citizens, appointed by the Manhattan Borough President's Office.

The Manhattan SWAB fully supports and endorses the concept of commercial waste zones, which is consistent with the MSWAB's previous actions and statements regarding this topic, although we recommend that the Committee amend certain provisions of the legislation to prevent monopolies in any zone and to protect micro-haulers as I will explain in my testimony.

We wholeheartedly agree that the current system of 90 private waste haulers who collect, process and dispose of the over 3,000,000 tons of commercial and recyclables generated from more than 100,000 New York City office buildings, retailers, restaurants, manufacturers, and other commercial establishments is badly in need of fundamental reform. While the current system may be affordable for many customers it serves, it imposes a number of unaccounted for costs on the residents of the surrounding communities in which commercial haulers operate, as well as on the workers who are

employed in the commercial hauling industry, and it was not designed with contemporary waste management goals in mind, such as maximizing waste reduction and minimizing carbon emissions. Inherent in the process of transitioning to a zoned system will be the inclusion of previously hidden costs in the economic equation, and thus it is reasonable to expect that some marginally higher pricing adjustments for customers. Marginally higher prices are by design and should not be, within reason, looked upon as a failure of this legislation. If we want waste to be reduced, it must be priced accordingly.

Intense price competition among many commercial haulers without concern for geographic limits results in long, circuitous, and inefficient truck routes with many overlapping haulers servicing the same neighborhoods and blocks, particularly in Manhattan with high density of commercial establishments. For example, West 57th Street in Manhattan has 122 commercial establishments requiring commercial waste hauling services, which are provided by 26 different commercial waste haulers. A subsequent effect is that workers and drivers alike are forced to rush and cut corners to complete their routes in a timely manner, creating driver and worker fatigue that leads to traffic violations, worker and pedestrian accidents, and fatalities. This is inefficient in terms of vehicle miles traveled, wear and tear on our roads, congestion, and impacts worker and pedestrian safety. Longer routes also lead to unnecessary emissions of greenhouse gases and air pollutants that impact local air quality, public health, and exacerbate climate change.

Integral to the goals of the underlying DSNY plan, and reflected in Int. 1574, is the desire to reduce commercial waste and move toward the City's zero waste goals through incentivizing recycling of materials, requiring haulers and their subcontractors to commit to providing lower service charges for organics and recycling collection than for refuse collection, requiring haulers to ensure that any entity to which a commercial hauler delivers organic waste for final disposal comply with DSNY organics disposal guidelines, and providing incentives to promote innovative waste reduction approaches including anaerobic digestion or other reuse options that truly divert materials from the solid waste stream.

We agree with the conclusions in the DSNY plan that the zone proposal will significantly reduce vehicle miles traveled, congestion and air pollution while improving worker and community safety. We do believe, however, that the current bill can be easily strengthened to incentivize and mandate even more diversion, as well as investments in organics and recycling infrastructure. As currently proposed, Int. 1574 requires that each of the commercial waste zones be exclusive to only one commercial hauler. This differs from the original DSNY plan, which called for between 3 - 5 commercial haulers per zone. On the one hand, limiting each zone to one hauler maximizes the environmental benefits by allowing for the most efficient truck routing, which will lower overall vehicle miles traveled; the monitoring of worker education and training as well as the facilitation of recordkeeping as a means to reduce the myriad of other compliance-related issues. On the other hand, having each zone serviced by only one provider eliminates almost all the advantages of choice for pricing and services afforded customers in a zone where competition among multiple service providers would be allowed. Both views had support among the members of the Manhattan SWAB. However, I believe the Commissioner proposed more than one hauler per zone for important operational reasons: having more than one operator in every region means that if a hauler were to be disqualified, go out of business, or otherwise falter, an alternative would be immediately available. The changeover to zones is going to be a

tricky business and if the Department *and* the customers believe strongly that choice of haulers will make the transition more likely to succeed, I believe these opinions should carry great weight.

As citizen activists in the waste field, we find that the definition of “micro-hauler” as provided by Int. 1574 to be too restrictive and even regressive as currently written. Specifically limiting the yearly tonnage cap collected to be qualified as a “micro-hauler” at 60 tons/yr is too low and should be increased to at least 10,000 tons/yr. A 60-ton cap would effectively shut down all existing micro-hauling operations—the community composters and citizen waste reducing organizations we work with and which the City has always before supported. We find it difficult to believe that this is the intended outcome of setting this cap, and we urge the Council to reconsider it.

Int. 1574 is an important step in providing all New York City residents with a safer, cleaner more environmentally just city. The legislation will substantially reduce the carbon footprint of commercial waste collection in New York City and is compatible with the recently passed New York State Climate and Community Protection Act, which, among other things, calls for reducing greenhouse gas emissions from motor vehicles and an overall 85% reduction of statewide emissions by 2050. The Manhattan Solid Waste Advisory Board supports the concept of commercial waste zones and Int. 1574 and urges its passage with the changes mentioned above.

###

**Members of the Manhattan Solid Waste Advisory Board.** Jacquelyn Ottman, chair; Rona Banai, vice chair; Katie Hanner, co-Secretary; Christine Johnson, co-secretary, Diane Orr, Treasurer. Members: Margot Becker, Matthew Civello, Maggie Clarke, Debby Lee Cohen, Peter Cohen, Naomi Cooper, DeNeile Cooper, Ellen Cooper, Phillip Corradini, Sarah Currie-Halpern, Meredith Danberg-Ficarelli, Wendy Frank, Cullen Howe, Sofia Huda, Melissa Iachan, Nathaniel Johnson, Kate Mikuliak, Kathy Nizzari, Kristi Parson, Tinia Pina, Martin Robertson, Jennie Romer, Laura Rosenshine, Rick Schulman, Brendan Sexton, Marc Shifflett, Amy Uong.



**FOR THE RECORD**

**Testimony in Support of Intro 1574  
32BJ Member Mark Espinoza**

Hi, my name is Mark Espinoza and I am a member of 32BJ SEIU. Thank you for the opportunity to testify today and thank you Council Member Antonio Reynoso for your leadership on this issue.

32BJ represents over 163,000 men and women working in property services, including 85,000 here in New York City. We keep our City's residential buildings, schools, offices, stadiums, and airports clean and safe.

I'm here today in support of Intro 1574, a bill that would create commercial waste zones that make sense for New York City.

As a public school cleaner in Long Island City, I see the trash being picked up at commercial sites nearby. From what I can see, they often don't recycle. I see everything – both garbage and recyclables – go in the same black bags and are picked up together. At schools, on the other hand, we put everything in clear bags for DSNY to inspect to ensure everything is properly recycled and disposed of.

These trucks also emit dangerous diesel air pollutants, and in our current climate crisis, we have to do what we can to reduce these emissions. We can do that by reducing the amount of trucks on the road.

I work the late shift, and on my way home, I often see commercial trash trucks speeding and running red lights. Everyone is just trying to get home at the end of the day, and these drivers are putting my life and others in danger.

Thank you again for the opportunity to testify, I hope the City Council passes this important bill.

**TESTIMONY OF THE FIFTH AVENUE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT TO THE NEW YORK CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT CONCERNING LEGISLATION TO REFORM THE COLLECTION OF COMMERCIAL WASTE**

JUNE 27, 2019

**FOR THE RECORD**

Good morning Chair Reynoso and fellow council members.

I am Jerome Barth, the President for the Fifth Avenue Association Business Improvement District, which works to supplement City services on Fifth Avenue from 61<sup>st</sup> Street to 46<sup>th</sup> Street. It is a pleasure to appear before you today to offer testimony on the matter of a proposed bill to regulate commercial waste, Intro No. 1574.

There is one provision in this bill that I wish to bring to your attention, which is that in its current version, each carting zone would be allocated to a single operator. This type of program has been tried in other cities. Two years ago, it was implemented in Los Angeles. The result there, and I expect that will also be the case in New York, has been an increase in cost and a decrease in the quality of service, to the point that local media has called the program a "catastrophe."

There is no reason to think the outcome will be different in New York. Our city is much denser than Los Angeles, and both bad service and increased costs will be a significant issue for the businesses in our districts. Our members feel that it is very important that they should have the ability to choose between different options of service providers. A single operator per zone, protected by the city's franchise, would have little or no incentive to respond to the concerns of individual businesses, particularly small businesses.

As you know, retailers and restaurants are currently under enormous stress in the City. Competition keeps people honest in business, and I urge you to reconsider this provision and ensure that a reasonable number of carters be able to operate in each carting zone.

Thank you for your consideration.

# FOR THE RECORD

## Alexis Robinson Testimony to the City Council Committee on Sanitation

June 27, 2019

Hello. My name is Alexis Robinson.

I started working in the private carting industry when I was 18 years old. For the first two years I worked at Sanitation Salvage, they made me work off the books. I only got paid \$80 a day no matter how many hours I worked. The shifts would be 14 hours, 15 hours, even 18 hours.

We had to work so hard. My route had 900 stops. I wasn't given any safety training or safety gear. And when I got hurt, they threw me to the curb.

One night while picking up a bag of trash I slipped on something in the street. I fell and hit my back. The doctor told me later that I had a slipped disc and shouldn't be lifting anything heavy.

When I went to my boss and asked for a lighter route, I was told to get back to work. That day I injured my back even worse and couldn't work any more. I was fired and spent the next year at home with no job and no money.

No company should be able to treat workers like that.

But today, things are looking up for me. The Teamsters helped me get a job at Action Carting. It's a much better company. The routes are shorter and you don't have to work so many hours in a week.

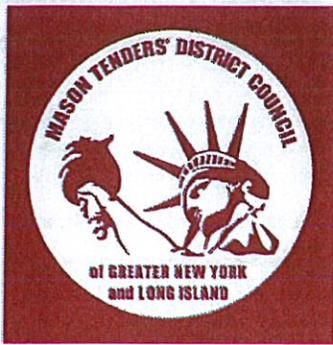
And I need a good job. My daughter was born on June 11th. She is two weeks old. I want to be able to provide for her so she is good and so my wife is good.

I want to be an example for my younger brothers too.

That is what all of us workers want.

Please pass this law so that the routes will be shorter and so the workers will be taken care of.

Thank you.



FOR THE RECORD

# Mason Tenders District Council

Mike Hellstrom  
ASSISTANT BUSINESS  
MANAGER  
mhellstrom@masontenders.org

OF GREATER NEW YORK & LONG  
ISLAND

June 26, 2019

The New York City Council  
Committee on Sanitation and Solid Waste Management  
250 Broadway  
New York, NY 10007

*Re: Hearing Testimony of Waste Material Recycling and General Industrial Laborers  
Local 108 With respect to Intro No. 1547*

To Whom It May Concern:

Please accept this letter as the written statement of Waste Material, Recycling, and General Industrial Laborers Local 108 ("Local 108") regarding the above referenced bill.

Local 108 stands in opposition to the bill as proposed on the grounds that it provides wholly inadequate safeguards and protections for the commercial drivers and helpers who will be performing the work at issue.

It fails on this account in two principal ways: i- by failing to provide for a just transition to the new regulatory regime, and ii – by not including standards for consideration by the Commissioner when awarding contracts that treats with workers' well-being with the same seriousness that the bill takes environmental concerns.

1. Just Transition.

The Environmental Assessment Statement ("EAS") on which the bill is based predicted a two percent decrease in employment under the new regulatory structure. Further, given that most of the predicted environmental gains are based on fewer truck-miles, it is presumed that routes will be much tighter, meaning trucks will be on the street for less time, meaning that workers will work shorter-hours. And while everything else being equal workers prefer to work fewer hours, all affected workers are paid on an hourly basis such that a decrease in available hours-of-work results in a direct loss of income.

Drivers and helpers in this industry work on average 57- hour weeks, at average rates of approximately \$27/hour for drivers and \$22/hours for helpers, resulting in average weekly rates of compensation of \$1,768 and \$1,441 respectively. A 30% drop in truck miles that brought the average work-week down to 40 hours (as one union has vocally argued is to be expected) would thus result in weekly rates of pay dropping respectively to \$1,080 and \$880, which represents a 39% pay-cut for workers

Overtime is not discretionary money for drivers and helpers, it is what supports their families. Such a loss of income is simply unacceptable absent a robust plan to transition workers to new – similarly remunerative – jobs.

So too, a substantial purpose of the legislation is apparently to redistribute the commercial carting services to a smaller set of more environmentally conscious contractors. And while that by itself may be an admirable goal, it, again, fails to account for the disruption that causes for employees. People who have accumulated seniority, grown their rates of pay through long-term employment, become vested in pensions, and generally established a way of life with a particular local company, stand to have their lives turned upside-down either because they become unemployed or find themselves on the bottom of a seniority list at a new carter. Nothing in the legislation even tries to mitigate against that.

And to both of the preceding points, the EAS's claims about replacing lost driver and helper jobs with jobs in new recycling centers is frankly, intentionally misleading. There are no plans for any such local facilities to be established, the political lift of trying to get NYC residents to accept recycling facilities in their neighborhoods makes it nearly impossible, and the commodities market is so bad right now that a recent article in *The Guardian* reported that cities with robust recycling collection capacities are literally throwing what they collect back in the land-fills because there is literally *no* market, as in the material is worth *zero*<sup>1</sup>.

We seriously attribute a substantial part of the failure of the environmental movement in this country (and city) to the fact that it has historically placed the cost of transitioning to more environmentally sound systems on workers. Intro 1574 is a case-study in how to repeat that mistake. Workers who will shortly lose their jobs, be displaced, or find themselves with radically diminished paychecks are being consoled with the promise of more time with their families and/or the prospect of recycling jobs when stars cross such that commodities markets bounce back at the same time that local neighborhoods become enlightened into accepting rubbish re-processing centers in their midst. Working class people cannot afford to wait a day past the expiration of their unemployment benefits, if that, for a new comparable job opportunity. Here, they are being asked to wait for a miracle. The disingenuous lip-service being paid to new job opportunities is reason enough why every single member of the City Council should be taking a position against this bill as proposed.

## 2. Labor Standards for Awards.

The ten factors listed as relevant to the Commissioner's decisions as to which companies get awarded contracts does not include a single one focused specifically on the welfare of workers, such as by taking into consideration the provision of quality health insurance and retirement benefits. As alluded to above, no factor looks to the extent of the disruption in existing workforces' employment or employment standards; for example, by favoring carters now strongly present in the market whose

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<sup>1</sup> [https://www.theguardian.com/us-news/2019/jun/21/us-plastic-recycling-landfills?CMP=share\\_btn\\_link](https://www.theguardian.com/us-news/2019/jun/21/us-plastic-recycling-landfills?CMP=share_btn_link)

workers would suffer if an award were denied, or disfavoring an award to a carter such as Waste Management or Republic Services, which have no current presence in the market

The closest the factors come to addressing issues of direct concern to labor are by making relevant in factor 7 “health and safety” records (which is then later undermined by requiring that contractors issue made-up safety certifications to employees verifying that they have provided them 40-hours of unstandardized training); and in factor 8, where general legal compliance matters (although, indicatively, labor violations are the last ones noted in the recitation of relevant applicable laws). Given that three of the ten factors *exclusively* target environmental plans and goals, it is shocking that not a single-one would similarly robustly raise to prominence issues regarding general treatment of workers. It is not enough that an employee may not stand a substantial likelihood of being killed or maimed when he goes to work. In a community which is supposed to be addressing income inequality, supplying good jobs, and working to create environmental buy-in from skeptical working-class constituencies, the failure to include meaningful labor-specific factors should be reason-enough for every member of this Council to vote against the bill as introduced.

As but a few examples of how this objection might, nonetheless, be addressed, we suggest that the Commissioner include as factors: i - the quality of welfare and retirement benefits contractors provide, ii – rates of turnover in employment, iii – the conduciveness of an award to mitigating disruption of workers’ employment and employment terms during the transition, and iv – whether a company maintains associations with non-profits with records of effectively recruiting into good jobs members of communities to which the City owes special obligations, such as formerly incarcerated people (and others in those neighborhoods most affected by mass incarceration), women, veterans, and young people graduating from our public school system.

All of these objectives should be especially resonant with members of the City Council at this political moment, and indeed, should thus be made absolute conditions of their support for this – as currently written – deeply flawed bill.

Thank you for consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Hellstrom", followed by the initials "lks" to the right.

Mike Hellstrom

**ACT NOW!**

**Tell the City Council to STOP the plan that eliminates choice & competition**

Several City Councilmembers want to eliminate New York City's open-market system for managing commercial waste, recycling and organics. They would replace it with a system of twenty zones and have the city pick just one private carter to work in each zone – creating a city-controlled monopoly for waste and recycling services; **just two companies could control the whole city!**

***Businesses would lose their right to pick the carter that best meets their needs - and negotiate price and service - and will pay higher costs when competition is eliminated.*** That happened in Los Angeles when it shifted to a monopoly-zone system just two years ago – resulting in higher costs, reduced service, and now an increase in illegal dumping.

**Nearly every business organization in the city opposes Intro 1574 - the waste-zone proposal. Businesses and the waste services industry support Intro 996 that keeps and improves the many benefits of the open-market system of choice and competition, without city interference.**



**FOR THE RECORD**

Thursday June 27, 2019

Good morning and thank you your time today. My name is Mary Cleaver and 38 years ago I founded and have been running ever since, Cleaver Co, a food business here in New York City, focused on catering events serving high quality food sourced largely from regional farms practicing regenerative agriculture. At Cleaver Co we care deeply about where our food comes from and also about where it goes. I strongly support Councilmember Reynoso's bill to establish a commercial waste zone system in New York City, for many reasons, but largely because it will help mitigate Global Warming, which is the greatest challenge upon us.

The Commercial Waste Zones bill would make our commercial waste system more energy and emissions efficient as well as far safer for workers and neighborhoods. In addition to making our streets safer and our air cleaner, this is an enormous opportunity to make our City's entire business sector more environmentally focused by expanding waste reduction services of recycling, composting, and food rescue, to every customer.



By selecting one private sanitation provider per district, we can hold that company accountable to high environmental and customer service standards. Businesses will no longer need to search for a company that will compost organics. Currently composting services are limited and difficult to obtain, especially for small and independent businesses like Cleaver Co. At all the commercial locations my businesses has operated in, I've had to research a waste provider willing to accept food waste for composting, I've had to negotiate over prices, and I've had to push to try to ensure that the price for compost isn't higher than the price for sending waste to a landfill. Business owners shouldn't have to make an extraordinary effort to obtain sensible, sustainable waste services. Affordable compost and recycling services should be available to *every* and all NYC businesses that need them, and pricing and service should be transparent and trustworthy.

Intro 1574 would do just this. The bill requires selected waste haulers to provide organics and recycling service to every customer who



wants them, and gives haulers strong incentives to improve the facilities and trucks needed to scale up and make these services affordable. With more composting of organics we can turn ~~methane~~ <sup>FOOD WASTE</sup> into topsoil to grow food, rather than sending it to the landfill to emit methane and increase global warming.

The CWZ system would also ensure that small, independent businesses are treated equitably in terms of pricing, transparency, and customer service from private waste haulers.

On behalf of the thousands of entrepreneurs and business owners across our City who care deeply about our environmental footprint, our impact on climate change, and our shared future, I urge the City Council to follow other cities like <sup>SAN FRANCISCO,</sup> Seattle and Los Angeles, pass this bill and affect positive change in our New York City waste system.

Support Commissioner GARCIA'S Zero WASTE GOALS

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(212) 741-9174

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**Damon Buchanan Testimony to the City Council Committee on Sanitation**  
**June 27, 2019**

Hello my name is Damon Buchanan.

I am a helper at Five Star Carting. I joined the company a year ago because I wanted a job that would support my three kids. I want to have a future in this industry and am studying for my CDL so I can be a driver.

My company is part of taking the private carting industry forward. Five Star has invested in new trucks and plans to continue raising standards with waste zones.

This bill will allow us to do our jobs more easily and safely. We won't have to drive all over the city to complete a route. One company will be responsible for every block and every zone. We can raise recycling rates, drive slower, and pollute less.

We will look more like city sanitation than like the private carting industry of yesterday.

And we need it because sanitation is one of the most dangerous jobs there is. We are working in the street, at night, with heavy equipment. On top of that, you never know what is in a bag of trash. We need to be able to do this job safely and this bill will let us do that.

This can be a great job. I love the adventure of working outside and meeting all kinds of New Yorkers on my route. It is fulfilling. We are making a positive contribution to the community by keeping our neighborhoods clean.

Please vote yes on this bill.

Thank you.

# FOR THE RECORD

## Anthony Carmona Testimony to the City Council Committee on Sanitation June 27, 2019

Hello my name is Anthony Carmona.

I have been working in the private sanitation industry for 5 years now. I worked the first 2 years for a company in Brooklyn called Viking Sanitation.

At Viking, I got paid \$120 a night, no matter how many hours I worked. I had no health insurance. I was given no safety equipment to do the job. No boots, no gloves, no uniforms. Nothing.

When the workers got tired of dealing with the bad wages and working conditions we decided to join Teamsters Local 813.

The boss knew I was a union supporter, so he cut my days, from three days a week to two days a week. In the end, between the punishments and the bribes, the workers at Viking gave up on our dream of a union.

Now I work at Waste Connections, a union company where the workers are represented by the Teamsters.

I make \$24 an hour and I work eight hours a night.

They give me work gloves, a uniform, and everything I need to do my job.

It's a tale of two cities for private carting workers. One with wage theft and exploitation, and one with good jobs and safety.

The workers who pick up your trash deserve better than that. We deserve the exclusive waste zones bill so that every worker can have a good job, a fair paycheck, and can go safely home to their families.

Thank you.

# FOR THE RECORD

ANDREA SCARBOROUGH

115-05 179<sup>TH</sup> STREET ADDISLEIGH PARK NY 11434

Good morning Council Members

My name is Andrea Scarborough, I am the former President of Addisleigh Park Civic Organization (APCO), a civic organization in Southeast Queens (SEQ), I am also a board member of the recently formed Queens Solid Waste Advisory Board QSWAB.

I am here today as a concerned resident of Southeast Queens, a community that is among one of the most overburdened districts with waste facilities and the related diesel truck pollution in NYC. With the signing of the Waste Equity Bill into law, my community will finally see some improvements; however, we need to go above and beyond to truly address environmental racism. The passage of Intro No. 1574 Commercial Waste Zone legislation presents a critical opportunity to bring even more relief to environmental justice communities like mine. This bill mandates one awardee per zone which should result in fewer trucks and fewer vehicle miles travelled, less exposure to diesel fumes which currently pollutes our neighborhood and creates an unhealthy condition for the residents that live there.

I support that this bill includes several provisions that incentivize more equitable distribution of waste disposal, promotes a process that would divert waste from Environmental Justice communities and favor the use of waste transfer stations that utilize sustainable modes of transporting waste, such as rail or barge. While it is important to focus attention on the standards of trucks as well as the treatment of workers. It is equally important to ensure that awardees or “designated carters” operational practices at their facilities are of a high standard. Because of the disproportionate siting of waste facilities in low-income communities of color, it is important to examine the standards that exist at these facilities as they often fail to adhere to local, state, and federal legislation. For instance in Southeast Queens the Waste Transfer Stations are located and grandfathered into a M1 zoned area (a mix of residential and commercial use). NYC laws however require waste facilities to be in a M3 zoned Industrial use area not M1, as a result the laws state in the Zoning Resolution section 42-411 that in an M1 district, “all such activities shall be located within completely enclosed

buildings.” Completely Enclosed waste facilities in my community is non-existent. My neighbors are therefore subjected regularly to foul odors that affects anyone driving by as well as negatively impacts families that have lived there for years.

Waste Transfer Stations, especially in a M1 zoned area must be held to a high standard and must include:

- A fully enclosed building.
- A ventilation system that reduces odor and removes unpleasant smells.
- Wash water from inside of the transfer station should not flow into the streets. Thereby avoiding a leachate condition.
- An underground filtering system in the event any waste seeps underground.
- Garbage is emptied every night and no garbage left overnight contributing to a stench condition.
- A dust control system.
- An extermination system for control of rats and mice.

*FOR M1 ZONED COMMUNITIES* Should any of these standards not exist at a Waste Facility, that transfer station must meet the appropriate standards before being considered for a “designated carter” status. I ask the city council to ensure that Intro No. 1574 delivers to the community of Southeast Queens a legislation in which only high-quality waste service providers may function. Waste Transfer Stations whose operating standards will meet all Federal State and City laws.

In closing I applaud the city council in taking this historic measure to transform the private carter industry, this will improve the quality of life in the SEQ community. It has been long overdue. Thank you for the opportunity to present my comments.

# FOR THE RECORD

## WILLIAM SCARBOROUGH

115-05 179<sup>TH</sup> STREET ADDISLEIGH PARK NY 11434

Good morning Council Members, Ladies and Gentlemen. Thank you for this opportunity to testify in regards to the legislation being considered here today, Intro 1574, the Commercial Waste Zoning bill. My name is William Scarborough and I am a former NYS Assemblyman and I am a current resident of Community Board 12, Queens, one of the three areas in the city that has historically housed 75% of the waste transfer stations in New York City. Our community has been particularly burdened because all of our transfer stations are in M1 zones, which means they are essentially side by side with residential homes. Our residents have borne the burden of the truck traffic, odors and particulate matter which creates hazards to their health.

I applaud Councilman Reynoso, Speaker Johnson and the council members who have sponsored Intro No.1574 and made this hearing possible. I support this legislation and I believe it is necessary to eliminate the "Wild West" atmosphere that currently exists in which commercial carters zoom all over the city picking up garbage. This bill will divide the city into twenty (20) zones and will limit the number of carters to one in most cases. That compares to the current situation where we can possibly have eight (8) different carters serving eight (8) different businesses on the same block. This legislation should greatly reduce the truck traffic in our city and make our streets safer and less congested.

I am concerned however that this legislation does not require enough regulation of the waste transfer facilities themselves. In many instances conditions at transfer stations pose as great a risk to health and safety as the trucks they send out on to our streets. This legislation must require that carters receiving these contracts adhere to all applicable Federal, State, and Local laws, and the Council must implement annual reporting requirements to monitor compliance with these laws. Under New York City zoning laws, waste transfer stations are considered among the most invasive and potentially health threatening of industries, and ideally should not operate in proximity to residences. They are allowed to operate close to residences in our community because they are supposed to meet certain "performance standards" that in theory should make them good neighbors. They routinely violate these performance standards and lax enforcement by the city Dept. of Sanitation and the state Dept. of Environmental Conservation allow them to create unsafe and unhealthy conditions for neighboring residents.

This legislation must require the Dept. of Sanitation to enforce performance standards and make council oversight of that enforcement part of an annual report. This report should also monitor and report the enforcement activities of the State DEC. These performance standards must include control of truck idling, control of odors emanating from these facilities, control of noise levels from these facilities, controlling the disposal of leachate, the toxic liquid that is produced when garbage is compacted, and assurance that all of these facilities are fully enclosed. The legislation and this council must include the regulation of transfer facilities, and strict compliance with laws and performance standards. These new zoning regulations, and the awarding of contracts will give this council powerful leverage to change how this industry

operates and make it safer and less intrusive on their neighbors. I urge you to use this opportunity wisely, by regulating not just the commercial waste truck traffic but also the transfer stations that send them on to our streets. Thank you for this opportunity to speak to you today.



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**Testimony of the Alliance for Downtown New York  
Int. 1574  
Committee on Sanitation & Solid Waste Management  
Hon. Council Member Antonio Reynoso, Chair  
June 27, 2019**

Good morning Chair Reynoso and members of the committee. My name is Heather Ducharme, and I am the Director of Storefront Business Engagement at the Alliance for Downtown New York, the business improvement district representing Manhattan south of Chambers Street.

Lower Manhattan is home to approximately 1,200 retail businesses who rely on private carters to serve their waste disposal needs. Our storefront businesses are facing the same challenges that small businesses all over New York are facing. It is critically important that any changes to the private carting system recognize the needs and concerns of small businesses.

Advocates have long called for substantial changes to how New York City handles commercial waste. Lower Manhattan's narrow streets and extraordinarily dense environment make adequate waste removal especially challenging. The Alliance has participated in the Department of Sanitation's now four year long process to create a new system that would be more efficient and environmentally friendly than the current process, while maintaining reasonable prices and good service for small businesses. The Department's Commercial Waste Zone Plan would generate significant improvements in route efficiency while also preserving competition needed to ensure carters provide high-quality cost-effective service to their customers.

We are concerned that Int. 1574 ignores years of careful analysis and stakeholder engagement. The bill would create a system that severely limits the choices available to businesses. With only one carter allowed to operate per zone, businesses would be subject to monopolies. This could lead to substantial increased costs for struggling entrepreneurs. If the designated carter for the zone does not provide satisfactory service or offers a non-negotiable fee structure, businesses will have little or no recourse. Instead, they have to go through a burdensome customer service process that will not guarantee a change and could take weeks to resolve. This could result in trash accumulation on our already crowded sidewalks and place a financial hardship that can close a small business's doors for good. As storefront businesses are adapting to changes in the retail market and regulatory reform, it is critical that they are supported and the city does not hinder their ability to succeed.

The Downtown Alliance believes that the city should allow businesses to have some choice over who their private carter is so that we maintain high quality service, keep prices low, and meet the commercial waste disposal needs of every neighborhood in the city.

**Oral Testimony – Submitted for the Record  
New York City Council Committee on Sanitation**

**Gregory Lettieri, June 27, 2019**

My name is Gregory Lettieri and I am a native New Yorker and the CEO and co-founder of Recycle Track Systems, or RTS.

I first would like to thank Councilman Reynoso, all members of this committee, and community members for advocating on behalf of reform for the commercial waste industry.

My career has been mainly technology focused. In 2015 Adam Pasquale and I founded RTS to utilize technology to track waste, recycling, and organics to their appropriate destination facilities. We are a licensed broker under the Business Integrity Commission and offer our services by building partnerships with local, independent haulers who install our technology in New York City and throughout the country.

Today, in New York and other cities we have a more than 1,500 premium customers including some of the largest sports venues, hospitals, office buildings, and corporations.

RTS is a Certified B Corporation, one of 2,500 companies across the globe that are recognized for working for the betterment of business, society, and social good. Under New York State Law, we also are a “benefit corporation,” which means that we were formed for the purpose of creating a material positive impact on society and the environment. At RTS, we have and continue to deploy capital to further develop our technology and find innovative ways to recycle or donate materials. I also am a member of the Advisory Board on Commercial Waste Zones for the Department of Sanitation.

I understand and wholeheartedly agree with the *intentions* behind this bill: to create a safer, more transparent, efficient, and more environmentally friendly industry through increased waste diversion and decreased vehicle emissions.

However, while the bill as currently written has excellent intentions, it will not be successful in achieving its stated goals.

For instance, onboarding a new customer is very complex. It will be virtually impossible for one company, regardless of how large, to transition to thousands of new clients in a 12-month period.

In addition, the potentially adverse environmental impact of the plan during this transition period needs to be better understood. Massive customer onboarding requires trucks, materials, welders, safety equipment, and coordination.

Financially speaking, the bill under consideration most benefits the two largest haulers in New York City. These haulers, who are likely to be awarded many of the exclusive zones that would be up for bid, have had multiple instances of recycling violations, as well as labor and safety issues. Under the proposed system, while they would be excited to win exclusive rights to zones, they would not be capable of handling the task.

There are better ways to accomplish the bill's safety and environmental goals without eliminating the competitive system that keeps large companies in check and promotes innovation. Frankly speaking, we've built a very successful business competing against those haulers by offering more transparent and sustainable recycling and trash removal services.

If the Commercial Waste Zone Bill were passed as written today, it is very likely that our closest hauling partner companies, some of which are minority-owned and many of which employ workers from Teamsters Local 813 and Local 108, would be out of business and out of jobs.

I understand that time is short, so I won't go into detail about Los Angeles' failing commercial waste zone system. And clearly the density of and logistical challenges in New York are much more challenging than in Los Angeles. To summarize, I quote the Democratic President of the Los Angeles City Council on his prior support for their waste zone plan: "We did not project accurately... I was wrong on this one."

Finally, I would like to add something that others have not: this bill also will have a serious adverse effect on New York City's construction industry because there will be less companies and infrastructure to service the city's ever-growing construction needs.

In closing, I would like to thank all the advocates and policymakers with whom I've had the chance to meet and discuss these issues, and to reiterate that I remain open to provide more detailed input for the benefit of our city.

Gregory Lettieri  
[greg@rts.com](mailto:greg@rts.com)

**Francisco Rivera, Testimony to the City Council Committee on Sanitation**  
**June 27, 2019**

Hello. My name is Francisco Rivera and I am a long-time member of Teamsters Local 813 at Royal Waste.

I was 16 years old when I came to this country. I am from Honduras and immigrated in 1993 to escape the violence and to have a better future in the United States.

I got into the private carting industry because I was a young father and needed to support my family. Working at Royal Waste, a union company, I could make a decent income and give my four kids what they needed.

But my family also knows the pain of having a father who is a private carting worker.

I work 60 hours a week and that doesn't leave a lot of time for my kids.

When everyone else is getting together for the family barbecue, I'm not there.

When my kids wake up with a bad dream, I'm not there.

I lost my first marriage to this job because of the hours and the stress.

That's why we need the waste zones, so every worker will have the same rights that I have. At every company, workers will be able to take care of their families.

We want one carter in every zone, so workers won't have to drive all over the city to finish their route.

Think about the workers who are picking up tons and tons of trash every night.

Think about the workers who are hanging off the back of the truck speeding through the streets.

Think about the workers who get injured and don't have the healthcare or the time off to get better.

Think about the workers who don't get paid for all of the hours they work.

Think about the workers who get treated like garbage.

When you vote on this bill, think about us.

# MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

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Wally Rubin, District Manager

## COMMUNITY BOARD FIVE TESTIMONY BEFORE THE CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT, June 27<sup>th</sup>, 2019

My name is Michael Greeley. I am testifying today on behalf of Manhattan Community Board Five, which represents the central business district of Manhattan.

CB5 cannot support any plan that risks reduction in service like what happened in Los Angeles and implores both the Department of Sanitation and the City Council to please integrate our concerns into any carting plan that is established.

To summarize our six main concerns:

First, we request that all analysis and decisions ought to be based on a larger, more representative universe of data for Vehicle Miles Traveled (VMT) than two weeks in March 2018 during a snow storm, on which the Department's proposal is currently based.

Second, CB5 requests to see the underlying data for the Department's claim that VMT will drop in Midtown, while insisting service levels will NOT change. Without the data it is difficult for us to square the claim with what we see on the ground: almost every block with a multitude of constantly evolving commercial businesses that generally have different volumes of several waste streams and require and request different pick up times.

Third, we ask for better communication to the public and industry. This should be done by defining clear lines of responsibilities between DSNY and BIC; and by creating both effective 311 complaint drop down options and Community Advisory Boards for each zone.

Fourth, specialized carters will always be needed. We request an effective incentive for subcontracting to both small and minority-and-women-owned carting businesses.

Fifth, we request a zone by zone phase-in. Try the new plan in several sub-zones, like Business Improvement Districts. Look for unforeseen issues. Problem solve. Once standards have been met, then roll out the program to other zones.

And finally, the Department of Health's Community Air Survey ranks Manhattan CB5 as the highest in the city for fine-particulate air pollution, which is largely attributed to diesel fuel exhaust. Connecting this fact with VMT, we ask that any plan would include a requirement for commercial carters and subcontractors to eventually only use electric vehicles.

Thank you for your attention to our concerns.

**Jessica Yance Testimony to the City Council Committee on Sanitation  
June 27, 2019**

Thank you for the opportunity to speak to your committee today. I am Jessica Yance. I am a member of Teamsters Local 210 and I work at Sims Metal Management in Brooklyn, where we process all the recycling that DSNY picks up.

We need a real investment in recycling from the private carting industry, to tackle climate change and create good, green jobs.

In my five years working at Sims, I have been able to provide for myself and build a life, while also supporting the city where I have lived my whole life. I have a union job and a safe job.

But Sims is the exception, not the rule. At most of the recycling facilities that private carters run and use, workers are paid low wages, and the work is dangerous.

And that's when the companies do recycle. The private carting industry only recycles about 21% of what it collects.

That is a big problem. When we don't recycle, our trash goes to landfills and produces greenhouse gases that are driving climate change and wrecking the planet.

It doesn't have to be this way. With exclusive zones, private carters will be required to invest in facilities like Sims and invest in their workers. With exclusive zones, the city will be able to demand high rates of recycling and composting, and hold carters to that standard.

Instead of the NYC private carting industry being part of the problem, with exclusive zones, they can be part of the solution. This bill will create good, green jobs like the one I have.

A couple months ago, I was able to buy my first home. I never would have considered being able to do that five years ago.

Some people might think that the workers who sort New Yorkers' trash don't deserve good jobs. But New York will not reach our climate goals without us. Please pass the exclusive zones bill and show that you value us.

Thursday, June 27<sup>th</sup>, 2019

### **Comments of the NYC Hospitality Alliance on Int. 1574-2019**

The New York City Hospitality Alliance is a not-for-profit association that represents restaurants and nightlife venues throughout the five boroughs that would be affected by Int. 1574-2019 A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of commercial waste zones...

As a member of the Department of Sanitation's (DSNY) Commercial Waste Zone Advisory Boar we have worked with a wide range of stakeholders over the past couple of years on this matter. While we've had reservations about the negative consequences such a major overhaul of the commercial waste system could have on restaurants and nightlife establishments, our main objections were addressed in DSNY's proposal that would assign 3 - 5 carters per zone. Non-exclusive zones are a key component that will allow for greater market competition, ensuring better customer service, professionalism, and competitive rates for our members. We believe Int. 1574 undermines the time and effort so many stakeholders contributed by disregarding DSNY's non-exclusive zone proposal.

A single carter zone monopoly proposed by Int. 1574 is unacceptable and poses many concerns for the restaurant and nightlife industry.

Responsive customer service, and timely and professional commercial waste pick up is very important to restaurants, bars, and the communities they serve because their waste includes food materials that smell and attract vermin. Timely pick up of waste helps ensure better sanitary conditions on the streets and mitigates community complaints that may be directed at eating and drinking establishments that result in fines and violations issued by the city. If waste is not picked up in a timely and professional manner, eating and drinking establishments may also face opposition from their local community boards when they seek to renew their liquor licenses and sidewalk café permits. That is why businesses need to have multiple carting options if one carter does not provide adequate service, otherwise their permits and licenses can be jeopardized by no fault of their own.

A single carter monopoly zone system eliminates competition, provides little protection for small businesses, and invites a scenario where a restaurants' trash piles up on the sidewalk and the business has no alternative options. Any zone collection system must permit multiple carters and ensure the rights of small businesses to switch carters within their zone, so they are not locked into a contract.

We request that any zone system that may be enacted ensures multiple carters, coupled with a rate cap and safeguards that will protect eating and drinking establishments from potential shortcomings of the new system. For example, event under a non-exclusive zone system, DSNY must be prepared to pick up commercial waste should carters be unable under the new system, or if too few carters are awarded to any specific zones.

Finally, over the past few years, DSNY has expanded its organic composting mandates, therefore we request that the system and any further expansion be closely analyzed for its feasibility under a zone system as to not pose unrealistic or expensive mandates on businesses.

Thank you for your consideration.

Respectfully,

Andrew Rigie, Executive Director, NYC Hospitality Alliance  
arigie@thenycalliance.org



**Jennie R. Romer, Esq.**  
**P.O. Box 48**  
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June 27, 2019

Council Member Antonio Reynoso  
Chair – Committee on Sanitation and Solid Waste Management  
New York City Council  
250 Broadway, Suite 1740  
New York, NY 10007

RE: SUPPORT - Establishment of Commercial Waste Zones (Int. No. 1574)

Dear Committee Chair Reynoso and Committee Members,

Thank you for allowing me to testify today. You know me as an attorney focused on plastic bag laws. Today I am here to speak on my own personal capacity as a resident of North Brooklyn.

Before I moved to New York seven years ago and before attending law school, I spend much of my twenties managing a large independent record store in San Francisco. I also became a default operations manager for some aspects of a large commercial building that we inhabited in downtown San Francisco, because the record store owner also owned the pizza slice shop in the building.

As the default building manager, I signed up for recycling and composting services with the City of San Francisco's waste management contractor, Recology. There was only one carefully-vetted hauler per zone, one number to call, and the process to sign up for these services was easy and transparent. In a matter of days, we went from 8 large garbage toters per night to 1, plus 4 compost toters and 3 recycling toters. The recycling and composting toters were at a subsidized rate. This change saved us significant money and Recology's service was reliable. Years later, I became a volunteer with the San Francisco's environment department and toured their impressive recycling and composting transfer facilities.

When I moved to New York, I consulted pro bono for three different friends that owned or managed restaurants. I focused on reducing their waste stream. With two of them, I also focused on finding haulers that were transparent about where their recycling goes and we interviewed several haulers. The contrast to San Francisco's system, the lack of transparency, was shocking. This led me to write a grant on restaurant sustainability for a non-profit in North Brooklyn where I worked at the time, and delve further into the issues with the commercial waste hauling in NYC. That experience led me to adamantly support a commercial waste zone system with one hauler, where transparency is assured.

Lastly, speaking as a resident of North Brooklyn, as a former resident of Greenpoint, I've seen the pollution and safety hazards caused by having so many competing commercial haulers on the road. I've seen countless private haulers driving the wrong way down one way streets in Greenpoint. I've seen the congestion and pollution. NYC's system is broken. This carefully structured bill is the solution.

Sincerely,

Jennie Romer, Esq.

6/27/19 NYC City Council Solid Waste Committee Hearing On  
Commercial Waste Zones  
**RoHo Compost Comment**

RoHo Compost has had the privilege to divert almost 3 million pounds of food and organic waste from landfills to regional compost facilities, since March of 2017.

In our work doing curbside collection of organic waste, we've observed that waste and waste streams in the city are complex and need to be served by meticulous and caring work.

To support meticulous work, the top down solutions of chairman Reynoso's bill #1574 must spur bottom up solutions. We applaud the bill in general because it will clearly reduce truck traffic through use of exclusive zones, and creates stronger than existing labor standards but this bill currently does not do enough to solve the ultimate problem bogging down NYC's waste system, and which causes bloated truck traffic and low waste diversion: lack of source separation of waste by waste generating businesses.

Out of convenience and lack of training, businesses' kitchen staff commingle food waste with recyclables and landfill. This putrefying material contaminates and eliminates the reuse value of organics and recyclables. Compost and recycling facilities will not accept those waste streams unless they are clean.

It also creates an urgent service need for restaurants and food generating businesses to get commingled waste out of their doors to upheld sanitation and health code standards, which means 5 day a week or more pickup schedules from waste haulers. To make matters worst, this pattern is common among small businesses, and

30 ton, pollution spewing trucks are being deployed into pedestrian dense neighborhoods to collect these small amounts of waste.

How do we break this cycle through 1574? We unleash participation and innovation from community organizations like the microhaulers. To do this, First, we must ensure that the law incentivizes designated haulers to subcontract organic waste collection in small business districts. Microhaulers have track records training businesses in source separation of organic waste and collecting organic waste with bikes, trikes or e-vehicles. The source separation work of micro haulers result in uncontaminated recyclable and landfill streams, which can be diverted, and also stockpiled and stored for longer intervals between pickups because they aren't stained with rotting organic waste. This results in less pickup days and significant reduction of vehicle miles by landfill and recycling trucks.

The pollution reduction plan Section 16-1002 subsection b. 6. fails to mention reduction of vehicle miles traveled during collection of material as key measure, mentioning only investment in higher efficiency vehicles. The reduction of GHG's and local air pollution by diverting vehicle miles, are orders of magnitude higher than expensive upgrades of truck engines. Pollution reduction plans submitted in zone RFP's must say that plans to reduce truck routes and vehicle miles traveled are most highly valued by DSNY.

Microhaulers must be better supported by this bill, for their innovative capabilities to be unleashed. How can upstart micro haulers invest in building systems, with the miniscule revenues offered by the 60 ton a year tonnage cap currently in 1574? The cap must be raised to be between 2500-10000 tons a year. And how can designated haulers subcontract with them, if they can't build out their capacity, which may compromise the reliability and capability

of their collection systems at the zone wide scales needed? They'll be skittish to do so.

Finally, we want to support growth of microhaulers through a tiered system where SUV's or small trucks can also be used to collect waste, so long as all waste collected is processed to usable, active soil amendments, locally. Upstart micro haulers have such vehicles ready to be deployed, and the restriction of 100% local processing cannot be abused by bad actors under the enforcement standards already set in this bill.

Thanks to the committee for your time and please do not overlook the vital role microhaulers can and should play in the CWZ.

Marc de Konkoly Thege  
Founder, Director of Operations



**TESTIMONY BEFORE NEW YORK CITY COUNCIL**  
**COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT**

**JESSICA WALKER**  
**PRESIDENT & CEO**

**THURSDAY, JUNE 27, 2019**

Good morning. My name is Jessica Walker and I am the President and CEO of the Manhattan Chamber of Commerce. The Chamber is a community of businesses – including startups, solo entrepreneurs, small businesses and large companies – that help one another succeed.

We oppose Intro 1574, legislation to establish exclusive commercial waste zones, because it would increase the already high costs of operating a New York City business while eliminating the ability of local businesses to select the commercial waste carter that best suits their needs at a cost they can afford. Implementing a zone framework would effectively eliminate customer choice for the small businesses that rely on commercial waste carters, causing undue harm to local businesses already operating on thin margins.

Exclusive waste zones were a disaster in Los Angeles, where they drove up costs, made streets dirtier, and failed to solve major problems in the waste-disposal business while setting the city years behind. There is no second chance on this issue, and it is essential that we get it right; if not, carters will go out of business, jobs will be lost, and our economy will suffer from poorly-designed and misguided commercial waste policy. The City Council must act deliberately and fairly to craft smart, sensible commercial waste policy that does not needlessly burden businesses.

Improvements to the existing system – as outlined in Intro 996, which was introduced by Council Member Robert Cornegy – offer solutions to maintain the many benefits of the open-market system while avoiding the confusion, increased costs, and negative impacts that Intro 1574 would impose upon local businesses.

Council Member Cornegy's proposal would expand and clarify the Business Integrity Commissions regulation of the waste carter industry, allowing for reasonable steps to improve safety, air quality, and compliance without the tremendous negative impacts seen in other municipalities that have suffered under a zoned system.

Further, under this alternate proposal to improve the commercial waste system, both stakeholders and the city can begin those discussions immediately, allowing for progress and improvements to be made without the multi-year implementation of a zone-franchise system.

On behalf of the Manhattan Chamber of Commerce and our members, I urge the Committee on Sanitation and Solid Waste Management to reject the misguided waste zone plan under Intro 1574, and instead enact sensible changes like those proposed in Intro 996 to support New Yorkers while improving the waste carter industry. Thank you.

## **Proposed Int. 1574**

### **Commercial Waste Zoning**

#### **Testimony of Common Ground Compost LLC**

June 27, 2019

Chairman Reynoso and members of the Committee, my name is Meredith Danberg-Ficarelli and I am the Director of Common Ground Compost. We support the Commercial Waste Zoning bill which would establish a zoned commercial waste collection system.

Common Ground Compost runs Reclaimed Organics, a bike-powered compost pickup service collecting organics from small food businesses and small- to medium-sized offices in Manhattan. Last year we diverted 72 tons of organics from landfill through onsite processing at our East Village community garden and through a collaboration with a commercial waste hauler who collects from us and hauls organics to a commercial compost site.

This year we are on target to double that annual volume, likely diverting more than 130 tons from landfill, but we'll have to check back in December on that! We serve underserved businesses, who frequently cannot obtain organic waste recycling services from traditional commercial haulers. Our customers are businesses that generate small volumes of organic material that are more appropriately collected and transported in buckets and small bags, than containers and dumpsters which require collection by large diesel trucks. Many commercial haulers are challenged by the low route density of these small-volume collections, and micro hauling boosts efficiency and expands access for small volume and community-based organics diversion.

We have been working with the NYC Department of Sanitation for nearly two years as part of a broad stakeholder group representing a number of innovative Minority and Woman-Owned Business Enterprises (MWBEs) and we thank the Department for considering the needs of this emerging market of zero waste and environmentally responsible materials management businesses as they developed their CWZ Plan.

Our goal, as a hybrid zero waste consulting company and micro-hauling operation, is to provide a constellation of services to all businesses, helping to create solutions across the board that range from infrastructure procurement to training, waste audits, waste station design and signage, working with commercial waste haulers, and of course micro-scale collection. We want

to continue to grow partnerships and collaborations with commercial haulers and we appreciate the CWZ plan's incentivization of innovative partnerships in the bidding process. We see opportunities in expanding our collection collaborations, and also hope to partner with building owners and managers to host organic waste pre-processing machines and collection infrastructure. We all need to share responsibility for managing our waste, not pretend waste doesn't exist.

While we applaud the CWZ Bill and urge the Council to pass it swiftly, we urge the Council to amend the bill to increase the 60-ton annual weight cap imposed on micro-haulers as currently outlined in the bill. We suggest starting much higher and reassessing at a later date, with a cap closer to 10,000 tons to allow for the continued evolution of our emerging market. If the annual tonnage cap remains at its very low current level, existing micro hauling operations will be significantly impacted, and growth in zero- and low-emissions community-scale hauling will be extremely restricted.

Thank you

*Testimony of Helena Durst of The Durst Organization  
Committee on Sanitation and Solid Waste Management  
June 27, 2019*

My name is Helena Durst and I am a principal of The Durst Organization. I am here to testify in opposition to Intro 1574.

We are one of New York's largest commercial developers, owners and operators with 13 million square feet of Manhattan Class "A" office space. We are also leaders in the green building movement and both as an organization and personally are passionate about solid waste management. I have been a member of the Manhattan SWAB for more than a decade, we own and operated one of the largest composting facilities in New York State at McEnroe Organic farm and our commercial portfolio boasts a 62 percent landfill diversion rate.

Solid waste is a problem we care about and having been working on for decades.

Our issues with 1574 are two-fold:

The disposal of New York's City's trash is a miracle that happens every day. Somehow millions of tons of trash vanish from the City before most people have left for work. It is a miracle we all take for granted and it is dependent on tens of thousands of people and a process that is complex as any in our City. If it was to fail, the results would be catastrophic.

The same holds true for the removal of waste from our office buildings. It is a complex and a daily miracle. In the middle of each night the thousand of pounds of refuse and recycling that office workers produce each day is brought to the building's loading dock. If that waste is not removed or if that truck damages the loading dock in the process and renders it unusable the tenant deliverers cannot occur and the building and the businesses in it cease to function.

The stakes could not be higher and there is little margin for error.

The prospect of being forced to use a single, or even multiple carters whose contract cannot be terminated is a terrifying prospect. If they damage our loading docks, or do not show up for their pick-ups and our business is impacted what recourse do we have if they are a monopoly?

Our second concern is that the models for this type of government-controlled monopoly of an industry are deeply problematic. There are similarities to the taxi medallion system which is a failure and the private school bus contracts that move students around the city are often horror shows.

Yes, the private carting industry requires additional regulation and reform, but this overall with an unproven and untested model where the stakes are so high is far from prudent and potentially a disaster.

###

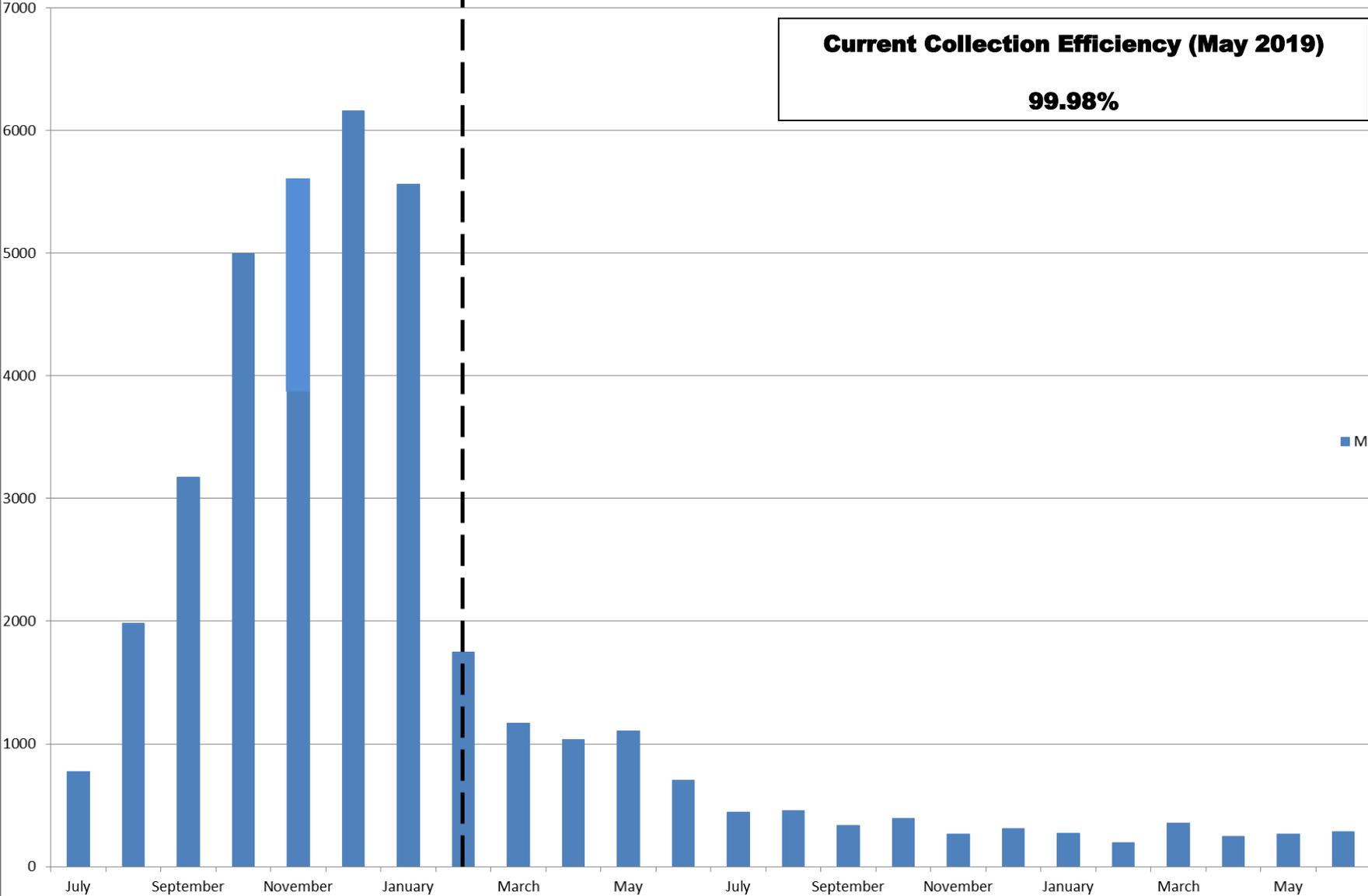
# Missed Collections

Transition In Progress



Transition Complete

**Current Collection Efficiency (May 2019)**  
**99.98%**



■ Missed Collections

2017

2018

2019



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
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**Gale A. Brewer, Borough President**

## **Gale A. Brewer, Manhattan Borough President Testimony before the NYC Council Committee on Sanitation and Solid Waste Management on Intro 1574 on Establishing Commercial Waste Zones in NYC June 27, 2019**

My name is Gale Brewer, and I am the Manhattan Borough President. Thank you to Chair Reynoso and members of the Committee on Sanitation and Solid Waste Management for the opportunity to submit my comments regarding Intro 1574-2019 on establishing commercial waste zones (CWZs) in New York City.

In the summer of 2015, about 30 interns from my office visited businesses throughout Manhattan to survey owners and workers about their recycling habits. The findings were combined into a larger study conducted by the Transform Don't Trash NYC Coalition (TDTNYC) and resulted in the Coalition's small business report, published in October 2015 with recommendations that laid the groundwork for establishing CWZs in New York City.<sup>1</sup>

Four years later, I am pleased that the city is moving in the direction of establishing CWZs as a key strategy to move New York City toward OneNYC's zero waste to landfill goals. The Department of Sanitation's (DSNY) Commercial Waste Zones Implementation Plan, released in November 2018, marked the first step toward CWZs. If passed, Intro 1574 will serve as the enabling legislation to actualize CWZs.

I support the goals of the legislation, which will improve routing efficiency for curbside commercial waste pickups, ensure commercial carters meet certain labor and customer service standards, and mandate pickups for organics and recyclables that will be diverted from landfills. Furthermore, the expected environmental benefits for a zoned system are notable, with a projected 50% reduction of truck miles under a zoned system with 3-5 carters (DSNY's proposal) and by as much as 60% reduction of truck miles under an exclusive zoned system (Intro 1574), which will translate into expected reduction of greenhouse gas (GHG) emissions consistent with reaching the city's goal of 80% GHG reductions by 2050. And increasing the diversion rate of organics, which is about one-third of the city's waste stream, from the current level of 3% to a projected 6% will further decrease the city's carbon footprint by reducing the generation of methane gas of food waste in landfills.<sup>2</sup>

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<sup>1</sup> "TDTNYC proposes that New York City adopt a zoned collection system, an approach to commercial waste management that has proven successful in a number of other cities." *Not At Your Service: A Look at How New York City's Commercial Waste System Is Failing Its Small Businesses*, TDTNYC, October 2015, p. 3.

<sup>2</sup> NYC Commercial Waste Zone Program Draft Generic Environmental Impact Statement, p. S-9. Projected reduction of VMT for an exclusive zone model is calculated from alternative case study scenarios.

I also support the process that has led to this point of the CWZ conversation. The CWZ Advisory Board that DSNY and BIC convened met for two years and included a wide range of stakeholders including business improvement districts, environmental organizations, carting companies, business associations like Partnership for NYC, and real estate associations such as REBNY. Andrew Rigie, Executive Director of the NYC Hospitality Alliance, participated in advisory board meetings and said that “stakeholders with a lot of opinions worked together... looked at a lot of models to come up with a zoned system that would provide service to businesses.” Though not everyone reached complete agreement, the fact that DSNY’s CWZ plan was the product of a two-year process allowed for the deep level of stakeholder engagement that was needed for a feasible plan for New York City.

Intro 1574, while very similar to the zoned system that the CWZ Advisory Board developed and DSNY subsequently proposed, differs in that the bill mandates single-carter, exclusive zones rather than the 3-5 carters model allowed under DSNY’s model. I am particularly concerned about this change for two reasons.

First, I am an advocate of inclusive, direct stakeholder engagement on everything from land use to economic development. My office was a co-convenor for the East Harlem neighborhood planning process and the East Midtown rezoning working group. Most recently, I convened a small business task force, the SoHo rezoning working group, the Riker’s task force, and the Manhattan Complete Count census committee. And in instances where major stakeholders were left out of the conversation, such as the proposed development at Two Bridges that would have bypassed the community review process via ULURP, I took direct action against the city. So in the CWZ conversation, when stakeholder engagement resulted in a significant number of participants supporting—or at least not opposing—a non-exclusive zoned model, it came as a surprise to many that Intro 1574 veers from the DSNY plan and proposes exclusive waste zones.

Second, restaurants are especially vulnerable under a single-carter system. A restaurant is recommended for a new or renewal liquor license depending on whether the local Community Board deems the business a good neighbor. Under Intro 1574, if the selected carter for the zone fails to offer timely pickup but is not otherwise in breach of its contract with DSNY, the impacted restaurant would have no recourse to secure better services and may lose its liquor license—a major source of revenue for food establishments. Under the multi-carter zoned system, a subpar carter would risk losing customers to better carters contracted for the same zone, thus providing the incentive for all carters to maintain good quality of service.

In addition to the above misgivings, I have the following recommendations for implementing CWZs in New York City.

**DSNY must be given sufficient resources to oversee the city’s transition into a zoned system.** Opponents to CWZs have pointed to troubles encountered by Los Angeles’ RecycLA single-carter zoned system reasons against implementation. According to Daniel Myers, Manager of RecycLA at the City of Los Angeles’ Sanitation Department, the majority of complaints were for missed collections during the six-month transition period as both carters and businesses had to learn to adapt to a new system. As soon as the transition into RecycLA was complete, missed collection complaints dropped precipitously, and current data shows a 99.98%

collection efficiency rate for RecycLA with missed collections complaints having dropped below pre-RecycLA level since June 2018 (see RecycLA graph on Missed Collections). This in turn lowered instances of illegal dumping that were exacerbated by missed pickups.

Like Los Angeles, New York City carters and businesses will encounter a learning curve as the city transitions into CWZs. DSNY must be ready to step in to provide backup services for businesses that experience missed pickups. There should be a dedicated hotline for businesses to call DSNY and BIC with any issues related to CWZ implementation. And for businesses requiring technical assistance, DSNY must have staff on hand dedicated to speaking with or visiting businesses to provide support on CWZ in multiple languages.

**Pricing must be clearly defined in CWZ contracts with selected carters.** New York City can look to RecycLA for best practices and lessons learned regarding CWZ contracts. LA's Sanitation Department was able to negotiate with a shortlist of bidding carters on a set base price that covers both solid waste (trash) and recycling pickups prior to final selection, so that the pricing was set regardless of which carters ultimately secured contracts with the city. However, the negotiation did not include a price cap or address fees (for additional distance between bins and the curb, "gate unlocking" fees, etc.), which increased the bill for certain businesses. As a result, the City of LA needed to restrict fees via an amendment.<sup>3</sup> While Intro 1574 already requires carters to set a price ceiling and disclose additional fees, since uncertainty about the new cost of service under CWZ is a main concern among businesses, DSNY should borrow best practices from LA and other municipalities on negotiating rates that are both affordable to businesses and commensurate with the quality of services that carters are expected to provide.

**Outreach and education must be a sustained effort throughout the entire phase-in period.** Intro 1574 requires carters to offer "lower rates for organics and recycling collection than for refuse collection services." Businesses would save money by disposing the same amount that is property sorted into recyclables, organics, and trash. However, Mr. Myers of RecycLA shared that repeated outreach and education to LA businesses was necessary to help them understand how best to lower their cost. For example, a business that puts out unsorted trash twice a week would pay \$450/week, while separating the same amount into trash for one collection and recyclables for the second collection would only cost \$250/week. Similarly, not all New York City businesses will know to tailor their recycling practices to the lowest pickup rate. The city must hold selected carters accountable to offer continued outreach and education in multiple languages to customers throughout the transition period.

I am confident that, with a model that allows for customer choice and includes the above recommendations, New York City can successfully implement CWZs. I look forward to working with members of the Sanitation and Solid Waste Committee to improve our environment and the commercial waste industry.

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<sup>3</sup> Most of the fees charged by RecycLA carters are not allowed under BIC regulation and would not apply to NYC, according to New York Lawyers for the Public Interest.

# CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

## Testimony in Opposition to INTROS 1082, 1083 and 1084-A

June 27, 2019

Chairperson Reynoso and Members of the Committee on Sanitation and Solid Waste Management:

I am Kendall Christiansen; I serve as Executive Director of New Yorkers for Responsible Waste Management (NYRWM) – a consortium of locally-owned and operated waste service companies, all of which are licensed and regulated by the City’s Business Integrity Commission (BIC).

NYRWM is generally concerned about three Intros – 1082, 1083 and 1084-A – on the Committee’s agenda, and generally share the perspective offered by BIC regarding the need for additional consideration of their purposes, operational efficacy and overall desirability.

To begin, however, I wish to note severe disappointment that none of these three bills were discussed with industry either prior to or since their introduction, as they are intended to affect industry operations and its overall regulation by BIC and can be best informed by discussion with the industry.

In addition, for each of them no study nor data are cited as the basis for their consideration, either as to the problem to be addressed or the presumptions about the efficacy of each proposal to address a particular problem. That raises the real possibility that they will fail at their respective intentions, rather than contribute to any improvement.

**With respect to Intro 1082** – the GPS requirement: GPS is increasingly standard equipment for industry operations, so as to improve operational efficiencies as to truck locations, route mapping, etc. GPS, however, is NOT designed for the tracking of vehicle speeds – especially in dense urban environments where signals are not as reliable as in open-road conditions.

For the most part, waste collection vehicles operate under constant real-world conditions that serve to reduce their speed, including short distances between collections and the city’s traffic control system. No review or analysis of NYPD enforcement data is offered.

And, any agency’s capacity to receive and analyze on a real-time basis would be severely challenged, rendering this effort nearly useless as an enforcement tool as apparently envisioned.

**Recommendation:** that BIC engage with the industry and others a review of how GPS is currently used in the industry and its potential applications for the future.

***With respect to Intro 1083*** – the unreported worker penalty requirement: to a large extent, this reporting requirement is archaic, having been designed for an earlier period out of concern about the continuing employment of people with connections to organized crime. No study or other assessment of this matter has been offered, as well as no argument that BIC’s existing enforcement of this requirement is inadequate.

As noted by BIC, its discretion regarding enforcement is appropriate and unnecessary, given that a failure to report can be the result of a clerical error that does not merit any penalty.

**Recommendation:** that Intro 1083 be withdrawn from further consideration.

***With respect to Intro 1084-A*** – the three-person requirement: this requirement is not based on operational familiarity with the industry, nor any analysis of how and why this requirement would improve operations, worker safety or overall performance. It ignores the Department of Sanitation’s operational experience dating back to the mid-1980’s when it shifted from three- to two-person operations. And, as noted by BIC, a three-person requirement makes no sense for significant segments of the industry’s operations, including operating containerized vehicles and small vehicles, e.g., pick-up trucks. [Note: elsewhere in the industry, semi- and fully-automated collection are increasingly the norm, reducing on-board personnel to just the driver. Opportunities for such collection systems in New York City are, however, severely limited.]

**Recommendation:** that Intro 1084 be removed from further consideration.

As noted at the outset, the industry is always willing to discuss ideas that will improve the industry’s operations, worker and public safety, and environmental performance – and strongly urges that it be consulted prior to the introduction of such proposals.

Thank you for your consideration of these comments and recommendations.

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cell: 917.359.0725

# CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

## Testimony in Opposition to Intro 1573

June 27, 2019

Chairperson Reynoso and Members of the Committee on Sanitation and Solid Waste Management:

I am Kendall Christiansen; I serve as Executive Director of New Yorkers for Responsible Waste Management (NYRWM) – a consortium of locally-owned and operated waste service companies, all of which are licensed and regulated by the City’s Business Integrity Commission (BIC).

NYRWM is generally concerned about Intro 1573 on the Committee’s agenda.

To begin, I wish to note severe disappointment that this Intro was not discussed with BIC licensees and registrants – including the BIC-hosted Trade Waste Advisory Board - either prior to or since its introduction, despite its intention to affect and improve industry operations and its overall regulation by BIC. That dialogue is essential to achieving the best result for the city, and should not be side-stepped for any reason.

In particular, no study nor data are cited as the basis for its consideration, either as to the problem to be addressed or the presumptions about the efficacy of the proposal to address one or more particular problems – or the shortcomings of existing laws and regulations that already provide BIC with substantial authority over the commercial waste industry. That raises the real and meaningful or sustained improvement.

To the extent Intro 1573 is intended as an update to BIC’s legal authority, a comprehensive review of both laws and regulations regarding the Trade Waste Industry is long overdue and should not be pursued by way of piecemeal proposals such as this.

Two specific concerns are examples of how industry consultation would benefit good law and rulemaking.

**First, the breadth of the proposal is concerning** – without exclusion, all federal, state and local laws and regulations would become fodder for BIC’s consideration for both initial licensing and revocation, without regard to their relevance, significance or relative severity.

**Second, a single infraction becomes the new standard for performance** – not just an established pattern of violation – that would be sufficient to warrant BIC consideration and action against a licensee.

In fact, given those concerns, it should be noted the City's own Department of Sanitation (DSNY) would be denied a license to operate under these rules, given its well-documented frequent violations of traffic laws, and unsafe operations.

**Recommendation: that Intro 1573 be withdrawn from further consideration,** at least until proper and appropriate discussions with BIC licensed and registered companies can be undertaken.

Thank you for your consideration of these comments and recommendations.

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# LET'S PLAY MONOPOLY

Committee on Sanitation and Solid Waste Management  
Council of the City of New York  
June 27, 2019

**Presenter:**  
***Kendall Christiansen***  
***Executive Director***  
**New Yorkers for Responsible  
Waste Management (NYRWM)**

**NYRWM:** Consortium of @ 25 locally-owned and operated waste/recycling service companies – most with multi-generation service to New York City

- Founding Assistant Director, DSNY's Recycling System ('89-'91)
- Former Chair, Citywide Recycling Advisory Board
- Vice Chair, Brooklyn Solid Waste Advisory Board
- Experience across U.S./Canada with state/provincial/municipal waste/recycling/organics policies and programs
- Board, Brooklyn Chamber of Commerce (since '96)
- ***50 times before this Committee***

1. **IN THIS CHAMBER: 1996 (p.2)**
2. **CORRECTING THE RECORD: Understanding NYC's Commercial Waste/Recycling Services (pp. 3-10)**
3. **LA'S MISTAKE – Rejected Advice; Market Impact, Buyer's Remorse, Illegal Dumping (pp. 11-15)**
4. **DSNY NEAR-MONOPOLY PLAN – High Risk/Low Reward (p.16)**
5. **USING A STICK - Getting It Wrong (p. 17)**
6. **A BETTER CHOICE – Sooner, Better, Cheaper – Intro 996 (p.18)**

***DON'T LET THIS END BADLY!***  
***Oppose Intro 1574; Support Intro 996***

**1996**

*Trade Waste Act Adopted – LL42/1996*

**National Company Lobbyist**

**“Three Companies Left Standing**

**And**

**Prices through the Roof”**

*(four have tried and left)*

**2019**

**Reynoso Monopoly Zone Plan**

**20 Zones**

***2 companies control the entire city***

***SORRY!***

**80+ locally owned/operated**

**companies with 3,000**

**workers asked to leave!**

# CORRECTING THE RECORD

*Forget What You Think You Know –*

## Understanding NYC's Commercial Waste/Recycling System

### 12,000 Tons/Night

- Collect, manage, market, dispose – **keep NYC clean!**
- ***Nothing pretty; Make it disappear***
- Promote recycling/organics
- **Complex system – way beyond complicated**
- Generations of embedded knowledge/experience

### BIC does its job:

- **Promotes Customer choice/fair competition**
- Enforces comprehensive laws and regulations
- **Customer Bill of Rights**
- Collaborates on safety, best practices initiatives
- LL145 (clean engine) compliant by 2020

### Concentrated

- 30 companies = 98% of market
- Locally owned-operated = 60% of market
- Midsize companies besieged
- Long Tail: 1-2 truck companies struggling

### Achieve city's CURRENT GOALS

- **Customer choice**
- **Fair competition**
- **Good, comprehensive service**
- Ecosystem of microhaulers, brokers, zero waste consultants
- Mayor's Zero Waste Challenge

### As Safe as DSNY

- Safety culture/training
- On-board cameras/tech
- ***DSNY: annually 2600 vehicle-related incidents; 150 personal injury; 2 fatal in last 8 months***

### Commercial Recycling System

- **Carters don't generate waste, they manage it**
- Robust recycling for decades, despite global market crisis
- Expanding organics
- Strong customer relations

<p><b>Employees (@ 3,500)</b></p> <ul style="list-style-type: none"> <li>• POC (most)</li> <li>• Second-chance (many)</li> <li>• Union members (most; Teamsters rank 3<sup>rd</sup>)</li> <li>• Work hard for good pay (all)</li> <li>• 50-hour weeks standard - excessive hours not industry practice</li> <li>• Customer service focus</li> </ul>	<p><b>Operates efficiently</b></p> <ul style="list-style-type: none"> <li>• Twice as efficient as DSNY</li> <li>• Companies sensitive to route efficiencies</li> <li>• Overnight operation minimizes congestion</li> <li>• Truck impacts <i>de minimis</i></li> <li>• Noise complaints mostly daytime (DEP)</li> <li>• <i>No truck reductions from zoning</i></li> </ul>
<p><b>Continuous Improvement Better than Chaos</b></p> <ul style="list-style-type: none"> <li>• Industry “frozen” by franchising threat</li> <li>• Reluctant to invest in equipment, and people</li> <li>• Normal merger activity stalled</li> <li>• <i>Electric trucks ready for demonstration</i></li> <li>• <b>Most companies won’t survive – jobs lost</b></li> </ul>	<p><b>Improvements Illusory</b></p> <ul style="list-style-type: none"> <li>• No baseline waste composition study</li> <li>• No magic bullet for increased recycling, or organics</li> <li>• <b>Costs for all will increase</b></li> <li>• <b>Service disruptions/quality</b></li> <li>• EVEN IF: <i>Benefits at least 4-5 years away</i></li> <li>• Subsidies for recycling unproductive</li> </ul>

*Lots of Anecdotes, But...*  
**ASK FOR THE DATA**  
*The Plural of Anecdotes*  
*is NOT Evidence*

# ***WHAT ABOUT VMTs?***

## **Route-related data contentious since 2016**

- Initial data from 2014 – five years old, and incomplete/flawed
- When challenged, fresh data collected in March 2018
- Neither set of data or analyses shared by DSNY

## **Industry averages @ 50 miles per route – not 80 to 100 miles**

## **DSNY Consultants project *no reduction in trucks***

- Based on volume/tons
- Possible increase due to additional services (recycling/organics)
- ***Possible increases during transition period***

## **Private carting fleet impacts are *de minimis***

- DSNY operates twice as many trucks per day for the same amount of waste – added trucks for organics, e-waste
- @ 700 trucks per night (*about the size of Fresh Direct's fleet*)
- Less than 0.05% of trucks on city streets
- **Fully Local Law 145 (clean engine) compliant by 2020**
- **Electric trucks ready to be tested!**

## **Route consolidation standard practice**

- Only way to operate profitably
- No incentive to travel extra distances
- **Customers are sub-contracted, or traded w/BIC approval**

# Business Integrity Commission



## Customer Information

### Customer Bill of Rights

#### Contracts, Billing, Written Invoices

Every commercial establishment is required by law to have its putrescible waste and recyclables picked up by a BIC-licensed hauler. There are hundreds of carters licensed by BIC that can legally collect putrescible waste and recyclables from commercial establishments in NYC.

Before deciding on a carter, **BIC strongly recommends that you obtain price quotes from several different companies.** A commercial establishment using a carter must prominently display a BIC decal identifying the carter that is serving the establishment. The decal is provided by the carter free of charge. Unless permitted by BIC, a carter cannot refuse to service a business if it already services another customer located within a 10-block area.

BIC also registers companies that remove waste resulting from building demolition, construction, alteration or excavation, and landscaping.

#### Customer Bill of Rights

You have the right to:

- Service from a carter of your choice, free from intimidation or reprisal.
- A competitive price for waste-removal that is at or below the maximum rate set by the BIC.
- *A written survey of your business' waste stream from any carter that proposes to charge you a "flat fee."*
- A waste-removal contract that does not commit you to a particular carter or to a particular price for more than two years.
- A written contract that clearly describes the agreement that you negotiated with your carter.
- Service on the days and at the times agreed to by your carter in the contract.
- Consistent, uninterrupted service, with 14 days written notice if service is to be terminated by your carter for any reason.

- Written bills that conform to the rate in your contract and comply with the maximum rate set by the Business Integrity Commission.
- A clean sidewalk, curb, and street adjoining your property, free of any debris that may result from waste-removal.

## **Contracts**

A customer may utilize an oral or written contract: Please note the following differences between oral and written contracts:

### **Oral Contracts**

- An oral contract may be terminated at will by the customer.
- An oral contract may be terminated upon 14 days written notice by the carter.

### **Written Contracts**

- A written contract for the removal, collection, or disposal of trade waste cannot be longer than 2 years.
- A written contract that contains no provision regarding duration can be terminated at will by the customer.
- A written contract that contains no provision regarding duration can be terminated upon 14 days written notice by the carter.
- The carter must offer a copy of the contract containing the terms and conditions to the customer within 40 days of the start of the waste-removal service.
- The customer has the right to negotiate any terms and conditions in the contract before signing.
- Any changes to the terms of the written contract must be made in writing and signed by both the customer and the carter.

## **Billing**

Customers and carters have a choice of either an actual fee or flat/average billing method. The customer and carter can negotiate on the billing method to be used.

### **Actual Fee Billing Method**

The customer will be billed for the actual amount of waste, either by cubic yard or by weight that the customer puts out for collection by the carter.

Each bill will vary depending on the actual amount of waste collected during the billing period. The actual amount of waste collected for the billing period will be multiplied by the negotiated rate.

## **Flat / Average Fee Billing Method**

The carter averages out the amount of waste, either by cubic yard or by weight, that the customer puts out for collection over a period of time, and multiplies the average amount of waste by the negotiated rate.

Each bill is the same every month or week based on the average amount of waste generated. Customers who choose a flat/average fee billing method are entitled to a waste stream survey provided by the carter at no charge to the customer. A waste stream survey determines the average amount of waste that is generated by the customer.

## **Additional Charges**

A carter cannot charge for any service for which the cost is not based solely on the amount of waste collected. In addition, they cannot charge for:

- The rental of a container or dumpster (except for compactors and roll-off boxes)
- The BIC decal that identifies the carter servicing the customer
- Fuel costs
- Waste stream surveys

## **Written Invoices, Statements and Bills**

At least once a month, the carter must provide a written statement, invoice, or bill to the customer. The written statement, invoice, or bill must contain:

- The carter's name, address, telephone number and license number
- The customer's name and address
- A notice that states, "NOTICE TO CUSTOMERS—The maximum rate that may be charged by your trade waste removal business is regulated by the New York City Business Integrity Commission. If you should have a question or complaint concerning waste-removal, contact the New York City Business Integrity Commission."
- The maximum rates and a statement indicating that the rates identified are maximum legal rates and that lower rates may be lawfully charged
- The negotiated rate per cubic yard or per 100 pounds on which the invoice is based
- An itemized list of charges detailing the cubic yards or weight of putrescible waste removed and recyclables removed
- Whether the customer is being charged on a "flat" or "average" billing basis
- The total charges for waste-removal for the billing period
- An itemized statement of the estimated volume or weight of the putrescible waste removed and the charge for removal of such waste
- An itemized statement of the estimated volume or weight, if any, of the recyclable waste removed and the charge for the removal of such waste
- A statement as to the method by which the estimated volume or weight was determined

- A separate statement of sales tax collected

If the carter is paid in cash, the carter must provide the payer with a written receipt that sets forth the name and address of the carter, the license number of the carter, the date of the payment, the amount of the payment and the identity of the payer. Each receipt must be signed by the carter.

City of New York. 2019 All Rights Reserved,

# Actual Maps – Industry Efficiency

**Mixed Waste  
Routes**



**Recycling  
Routes**



# DOING THE HARD WORK of SYSTEM CHANGE



## Zero Waste LA Commercial Franchise System

### Change Requires Public Engagement

- Over 25 Public Stakeholder Workshops
- A workshop solely for Zone Development
- 10 Council Committee Meetings
- 5 City Council Meetings
- Multiple Board of Public Works Meetings
- Stakeholder Surveys – Mailed
- Stakeholder Surveys – Online

**City of Los Angeles –  
Council Rejected Recommendation  
by City Administrative Officer:  
NO MONOPOLY**

REPORT FROM

**OFFICE OF THE CITY ADMINISTRATIVE OFFICER**

---

Date: August 23, 2012

CAO File No. 0150-09777-0000  
Council File No. New  
Council District: All

To: The Mayor  
The Council

From: Miguel A. Santana, City Administrative Officer



Reference: Board of Public Works Report dated February 13, 2012

Subject: **COMMERCIAL AND MULTIFAMILY REFUSE COLLECTION IN THE CITY**

---

**SUMMARY**

You requested that we review the Bureau of Sanitation's request to establish an Exclusive Franchise system for refuse collection from multifamily and commercial properties within the City of Los Angeles. The Bureau's franchising proposal designates 11 collection areas as subdivisions of the City's six existing wastesheds with one primary hauler per collection area. The proposal also combines multifamily and commercial waste collection with the exemption of certain waste streams. The primary goals of this proposal are to minimize the impact of private refuse collection vehicles through routing efficiencies; require clean fuel vehicles; maximize waste diversion and promote safe working conditions. Additional details of the Bureau's proposal are included in Appendix A.

The goals intended by an Exclusive Franchise are worth pursuing. However, we are recommending a Non-Exclusive Franchise as a preferred alternative. We believe that a Non-Exclusive Franchise can meet the same objectives but with less impact to the City, the City's businesses and institutions, and landlords and residents of multi-family residential properties. Our main concern with an exclusive system is that it significantly reduces the City's leverage over the waste handling market, negatively impacts haulers and customers as expressed by various stakeholders, and is not timely in generating much needed revenue for the City.

## **LA Complaints – Business/Apartment Buildings** *excerpts from surveys*

<p><b>1</b></p> <p>The transition was a complete disaster, in fact, before we even found out about the RecycLA program, our trash didn't get picked up for two weeks - no notice, no explanation from either our previous trash service or our new one.</p> <p>All in, we're looking at approximately a 35 percent increase in our costs, and are only getting our trash picked up once a week instead of two. To continue with our previous program would have doubled our costs, and we simply can't afford it.</p>	<p><b>5</b></p> <p>Our prices have more than doubled, trash bins are never cleaned and if we want them cleaned they charge extra</p>
<p><b>2</b></p> <p>my pricing for the exact same service (same frequency &amp; size) of pickups went from \$381.40 per month to \$1505.42</p>	<p><b>6</b></p> <p>Price increase 25%, service decrease 33%</p>
<p><b>3</b></p> <p>Restaurant owner (open for 12 years): It has just been a mess. Literally doubled our cost (\$400 to \$800) with more of a mess for our staff and the trash collectors.</p>	<p><b>7</b></p> <p>the prices almost tripled and the service has declined drastically</p>
<p><b>4</b></p> <p>They charged double and cut my services.</p>	<p><b>8</b></p> <p>Same substandard service at double the price. The city is JUST ENRICHING the trash companies by taking the competition away.</p>

**Los Angeles –  
City Council Speaker Herb Wesson**

## **BUYER'S REMORSE**

**How'd we wind up in this RecycLA mess?**

**We did not project accurately what was going to occur. We could have done a deeper dive; we might have looked at doing a pilot project first. We spent a couple of years reviewing it.**

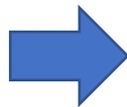
**“Sometimes we get things  
WRONG.**

**I'm not ashamed to say that I  
was wrong on this one.”**

*LA magazine interview, May 2018*

# ILLEGAL DUMPING PLAGUING DOWNTOWN LA

BIDs are concerned that like the failed RecyclA system - now two years old – a monopoly system would result in much higher prices, poorer service, and now illegal dumping (see these headlines).

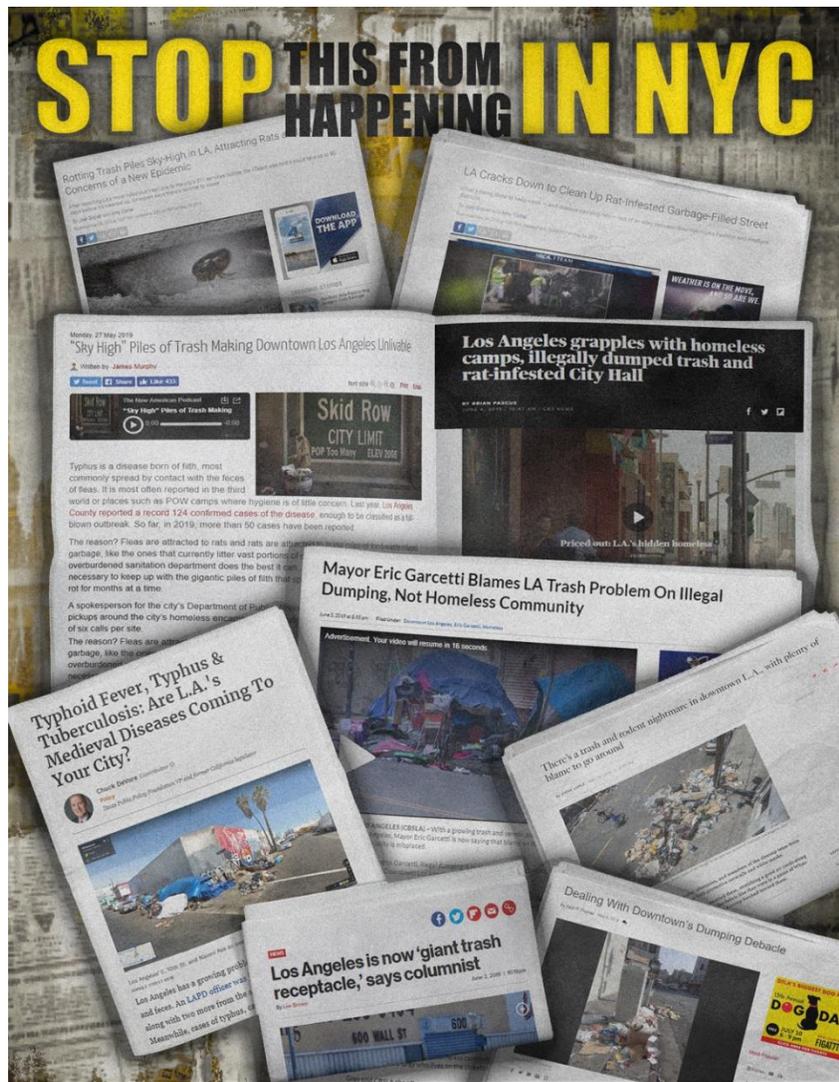


Last year, LA Council Speaker Herb Wesson acknowledged: “we got it wrong; we made the wrong choice.”

***And now LA’s BIDs are cleaning up the mess.***

**Please say “NO” to Intro 1574 by Councilmember Reynoso and say “YES” to Intro 996 by Councilmember Cornegy.**

996 preserves the many benefits of the open market system, and charts a path for continuous improvement, job and company retention, and progress on environmental goals - starting now.



**SAY NO TO INTRO 1574**

**SAY YES TO INTRO 996**

# DSNY's NEAR-MONOPOLY ZONE PLAN?

## *High Risk – Low Reward*

Great experiment in how state-controlled oligopolies function – 20 discrete examples

- Unprecedented
- Untested
- ***Never endorsed by its Advisory Board***
- 1000's of Details Unknown – customer assignment/allocation; multiple price structures; containerized service; etc.
- Result could be just five (5) companies win/dominate 68 zones
- No protection for local mid/small companies
- Chaotic transition period certain

## IF YOU USE A STICK

- hit the wrong target
- discourage collaboration
  - inhibit innovation
    - create chaos
- damage relationships
- disrespect experience
  - destroy civility

**Failure to Consult Means**

***MIGHT GET IT WRONG***

***things could end***

***badly...***

# A Better Choice: Intro 996

*Introduced July 2018*

## Sooner/Better/Cheaper

- Preserves open-market system
- Promotes stakeholder engagement
- Promotes continuous improvement to achieve environmental goals
- Preserves companies, good jobs
- Minimizes risks and chaos
- Broad support from business stakeholders, industry and labor

# VIEWPOINTS

## LETTER TO THE EDITOR

### NO CARTING MONOPOLY

Crain's article on the city's commercial waste system ("Hauling's big overhaul," April 29) affirmed the lack of consensus about whether a monopoly (one-hauler) or near-monopoly (several haulers) system should be implemented. In fact, they are two sides of the same coin. The number of waste-service companies could easily drop to 10 or fewer, with significant loss in local multi-generational businesses and employment opportunities for low-skilled workers adding to the risks associated with limited choice and competition.

But the question is whether any type of zone system should be adopted. The story failed to challenge the inevitability of that outcome, nor address its lethal impact on small businesses already buffeted by other rising costs. In our collective view, the existing open-market system has many benefits that would be lost through a city-managed monopoly system. We already have a robust commercial recycling system and growing diversion of organics. And most of the industry's workers are represented by unions.

If the city's new goals are that pressing, why wait until 2024 when a zone system is implemented when progress could be made this and next year through regulation? In fact, the industry's rapid consolidation to just 30 companies by 2020 should largely achieve the city's new efficiency goal.

Councilman Antonio Reynoso's approach to an open-ended bill should allow for fuller consideration of less disruptive alternatives—which the Department of Sanitation failed to do in its multi-year planning process. The council should refocus on the city's goals and not prejudice that a zone system would be the best answer. Given the near-debacle of Los Angeles' adoption of a monopoly-zone system—increased pricing and diminished service—a more collaborative approach could yield better and faster results. Perhaps a commission could take a fresh, more balanced and goal-oriented look with all stakeholders engaged.

Lisa Sorin, Bronx Chamber of Commerce  
 Jay Peltz, Food Industry Alliance of New York  
 Kevin Dugan, New York State Restaurant Assoc.  
 Nelson Eusebio, National Supermarket Association  
 Tom Grech, Queens Chamber of Commerce  
 Jessica Walker, Manhattan Chamber of Commerce



CITY IMAGES

Some of the voices objecting to reform believe classes are taught to the speed of the slowest student, thereby holding everyone else back. But what holds kids back is the tendency to cling to such erroneous notions rather than consulting the evidence. And the evidence shows schools can be great without the crutch of an admissions exam. Better, in fact. ■

imported from Canada. We can produce it locally and enjoy its economic advantages while moving, as we must, to a renewable electric grid. **CATHERINE ORROK**  
 Brooklyn

**No carting monopoly**  
 "Hauling's big overhaul" (April 29) affirmed the lack of consensus about whether a monopoly (one hauler) or near-monopoly (several haulers) commercial waste system should be implemented. In fact, they are two sides of the same coin. The number of waste-service companies could easily drop to 10 or fewer, with significant loss in local multi-generational businesses and employment opportunities for low-skilled workers adding to the risks associated with limited

See LETTERS on page 9

Send op-eds of 500 words or less number.

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**THE ALLIANCE**  
 OF AREA BUSINESS PUBLICATIONS

## Overhaul private garbage pickup in NYC? No

By Lisa Sorin , Tom Grech and Hector Batista

| New York Daily News |

Jun 27, 2019 | 10:00 AM

There's plenty of garbage in New York City — but Councilmember Antonio Reynoso wants to put it in too few hands.

As the debate intensifies about how best to manage the city's commercial trash — more than 12,000 tons collected from restaurants, bodegas and other businesses every day and night — Reynoso, chair of the Council's Sanitation Committee, has introduced an extreme bill that would pick just one company to provide service in each of 20 zones, and let as few as two companies run the whole show.

The question before Mayor de Blasio and Speaker Corey Johnson is: Do we want to return to the bad old days and reestablish “monopoly-zoned” garbage collection that pushes prices high and takes away choice? Do we want to put small, multi-generational businesses and their hundreds of workers out of service?

New York has faced these questions before.

In 1996, the Trade Waste Act championed by Mayor Giuliani was adopted, in response to a 114-count indictment of waste industry leaders, many with ties to organized crime. A new agency was created to oversee the private carting industry, establish tougher standards, and evict the remaining vestiges of mob influence — including pushing back on the Teamsters Union (which, coincidentally, supports Reynoso's plan).

The city unwisely rolled out the red carpet to national corporations that openly sought to replace an industry dominated by local family-owned companies. The Giuliani administration promised that the city's arcane rate-cap on waste services would be eliminated, competition minimized, and a new era of beneficial capitalism begun.

Spoiler alert: That scenario didn't happen. In fact, the changes set off a new era of competition among mostly *local* companies, with lower prices and better service. A few national corporate giants came and went, unable to figure out survival in the Big Apple.

But what once was over 200 companies that managed waste from more than 100,000 businesses is now fewer than 50, with 20 capable well-run companies providing 85% of the

service, customized to meet the needs of the city's vast array of customers under the watchful eye of the Business Integrity Commission (BIC).

The Reynoso bill would upset this progress by severely reducing the number of companies picked to serve this City. The bill would establish waste collection in 20 zones, each of which with just one hauler picked to service it, with 10 -year contracts that could easily turn into 50 — a great deal, if you can get it.

In other words: a system of long-term contracts that are awarded to just a few city-selected companies, with the city firmly in charge of a new bureaucracy.

It's déjà vu all over again. The cycle has come full circle from one monopolistic system — organized via the Teamsters and organized crime — to a 21st-century “progressive” version, also supported by the Teamsters, desperate to regain membership lost to fair competition from other unions.

The city should learn a lesson from the waste-zone debacle in Los Angeles. Two years ago, L.A. chose just seven companies to service 11 zones. Prices dramatically increased; service quality is suffering; and most recently, headlines scream that illegal dumping has increased in downtown LA.. as businesses rebel.

To their credit, some L.A. elected officials acknowledged that they got it wrong, and agreed to an initial set of rollbacks, at an annual cost to the city of \$9 million.

Fortunately, there's a good alternative here in New York: The city should maintain the current open-market system with its many benefits, and do the hard work of updating 20-year-old regulations in collaboration with industry and business stakeholders to reflect the city's new goals. Don't wait three years for an untested command-and-control city-run bureaucracy to be tested in one giant experiment of progressive government managing yet another sector of the city's economy.

A bill proposed by Councilmember Robert Cornegy is a constructive alternative that is endorsed by the business community and the waste-services industry. It tackles the city's new goals by improving the existing open-market system and its many benefits, as well as the city's robust commercial recycling system. Among its specifics: annual safety certification of industry drivers, and encouraging the transition to electric collection trucks.

Overall, that bill offers a framework to bring together various stakeholders and the city to shape ideas that improve efficiency and environmental outcomes without the risk, industry destruction and customer chaos of the Reynoso proposal.

If the mayor and speaker choose to act, those improvements can happen next year without burdening their successors with the kind of flawed zone-franchise system that we've seen before.

*Sorin is the CEO of the Bronx Chamber of Commerce, Grech is president and CEO of the Queens Chamber of Commerce and Batista is president and CEO of the Brooklyn Chamber of Commerce.*

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## Too Few Carters Left Standing, Prices Through the Roof and Chaos – The City’s New Recipe for Commercial Waste

By Tom Grech, Lisa Sorin and Hector Batista

There’s plenty of garbage in New York City—but Councilmember Antonio Reynoso wants to put it in too few hands.

As the debate intensifies about how best to manage the city’s commercial trash – more than 12,000 tons collected from restaurants, bodegas and other businesses every day and night – Councilmember Reynoso, chair of the Council’s Sanitation Committee, has introduced an extreme bill that would pick just one company to provide service in each of twenty zones, and let as few as two companies run the whole show.

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Intro 996 proposed by Councilmember Robert Cornegy is a constructive alternative that is endorsed by the business community and the waste services industry. It tackles the city's new goals by improving the existing open-market system and its many benefits, as well as the city's robust commercial recycling system. Among its specifics: annual safety certification of industry drivers, and encouraging the transition to electric collection trucks.

Overall, Intro 996 offers a framework to bring together various stakeholders and the City to shape ideas that improve efficiency and environmental outcomes without the risk, industry destruction and customer chaos of the Reynoso proposal.

If the Mayor and Speaker choose to act, the improvements can happen next year without burdening their successors with the kind of flawed zone-franchise system that we've seen before.



## **Testimony from THE POINT CDC for the Public Hearing on Commercial Waste Zone Bill**

By: Fernando Ortiz

Good Morning, my name is Fernando Ortiz; I am the Climate Preparedness and Resiliency Organizer for THE POINT CDC which is a non-profit organization dedicated to youth development and the cultural and economic revitalization of the Hunts Point section of the South Bronx. I am here today to show support for the NYC Exclusive Commercial Waste Zone Bill and to ensure that impacts of EJ communities are at the forefront in proposed legislation. Hunts Point is in the South Bronx Significant Maritime Industrial area— one of six in New York City. This zoning designation allows for heavy industrial activity and maritime use within our community such as the Hunts Point Food Market, 15 waste transfer stations, the Hunts Point Wastewater Treatment Plant, four power plants, 23 auto dismantlers and 11 scrap metal processors and other industries like Fresh Direct and soon Amazon that require high volume of diesel-trucks passing through our community. The Major Deegan, Sheridan and the Bruckner Expressway also form physical borders around our neighborhoods .

Over 20,000 trucks pass through the South Bronx each day, in one study 45% of which were waste trucks powered by diesel-fuel. The quality of the air that we breathe in the South Bronx is literally different than that which other communities in NYC breathe. Our air is filled with greenhouse gases like carbon dioxide, methane, nitrous oxides, and ozone - as well as particulate matters, carcinogens, PCBs, ozone and much more. The air quality in our communities worsens our exposure to heat from industrial facilities, truck exhaust. Concrete surface coverage increases the urban heat island effect and concentrates pollutants in our air. The South Bronx forms part of the infamous “Asthma Alley” because it has some of the highest asthma rates in the city. The Hunts Point community ranks among the highest PM2.5 contaminants in the country, harmful particles that enter our respiratory system and contribute to illnesses such as asthma and lung cancer. The asthma rates in the South Bronx are 8 times the national average, with 1 in 4 children suffering from asthma and with 33% children hospitalizations occurring within the South Bronx and asthma death rates four times higher than the national average.



In the South Bronx, studies have found that living in proximity to noxious land uses is associated with a 66% chance of being hospitalized by asthma, 30% of being of low-income and a 14% chance of being a person of color - which is 100% unfair. These are some of the environmental justice issues and the realities that people in the South Bronx live with.

THE POINT supports the NYC Commercial Waste Zone Bill because of the benefits it can provide for the South Bronx and for other environmental justice communities throughout NYC. The exclusive commercial waste zones will result in significant reductions in air pollution, ghg emission, and noise, by taking miles of truck traffic off of NYC city streets. While the waste equity bill passage last year will be instrumental in garnering some reductions in permitted waste capacity in Brooklyn, the Bronx, and Southeast Queens, we believe that the forthcoming legislation can further prioritize EJ communities and ensure reduction in vehicle miles by ensuring that waste is transported to the waste transfer stations geographically closest to the waste collection zones. We encourage mandatory truck count monitoring to ensure that vehicular transport is actually reduced in communities like ours where on some corners in the South Bronx- 304 trucks/hour, drive by. This would result in dramatic reductions in PM 2.5 emissions and other air pollutants. We applaud the attention paid to the standards of trucks and worker treatment and attention to the equitable distribution of waste disposal throughout the city in this bill. We encourage this bill to consider the issue of overnight waste storage on the roads in Hunts Point, to address the standards at the facilities that are disproportionately sited in our communities and often fail to adhere to local, state, and federal legislation, and to provide mechanisms to increase diversion of waste from landfill in line with OneNYC zero waste goals.

This is the immediate next step in overcoming the disproportionate burden that the community has endured due to the high concentration of transfer stations and truck traffic in our community. We applaud your efforts to implement exclusive commercial waste zones and encourage you to move forward with this implementation and to prioritize environmental justice communities that have held the burden of waste inequity for far too long.



Contact: Fernando Ortiz, M.Des, Climate Preparedness and Resiliency Organizer (CPR)  
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## New York City Environmental Justice Alliance

166A 22nd Street, Brooklyn, NY 11232 | [www.NYC-EJA.org](http://www.NYC-EJA.org)

On the ground – and at the table

**June 27, 2019**

### **Commercial Waste Zone Bill (Intro 1574) Public Hearing, NYC Environmental Justice Alliance Testimony**

My name is Dr. Tok Oyewole, and I am testifying on behalf of the New York City Environmental Justice Alliance (NYC-EJA). Founded in 1991, NYC-EJA is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their fight for environmental justice.

For decades, NYC-EJA has led efforts for comprehensive policy reforms to address the disproportionate burden of New York's solid waste system on a handful of environmental justice communities. To handle nearly 35,000 tons of garbage generated each day in NYC, waste trucks needlessly travel thousands of miles per night through multiple boroughs of the city, polluting our air with diesel fuel, clogging our streets, and diminishing our quality of life. The impacts are greatest in a few low-income and communities of color where truck-dependent transfer stations are clustered, causing higher proportions of health consequences such as asthma, heart disease, and cancer.

According to the city's draft environmental impact statement, passage of this bill (Intro 1574) would achieve dramatic reductions in vehicle miles travelled by diesel waste trucks, along with reductions in associated aerial particulate emissions, greenhouse gas emissions, road damage, and noise, by implementing an exclusive zoned waste collection system. We are honored to have taken part in this fight for waste reform and we support the long-overdue improvements this well-researched and prescient plan would bring about. Additionally, we are pleased that the bill will require truck compliance with certain environmental laws; higher labor standards for workers who are often immigrants and people of color; safety standards for pedestrians and cyclists; and transparency for customers. We are pleased that within the bill, DSNY would review contract applications on the basis of a carting company's disposal of waste at transfer stations geographically proximate to the zones, reducing truck burdens in environmental justice communities.

We think that a few key changes to the bill can still improve its efficacy from climate and environmental justice perspectives, including:

- a) **Adherence with environmental plans:** Currently within the bill, carters must comply with the terms of some of the plans they submit in the RFP process, including a waste reduction plan, health and safety plan, and customer service plan. However, they are not required to comply with waste management, greenhouse gas reduction, or air pollution reduction plans. The bill as drafted does not mandate that carting companies even submit plans to reduce particulate or greenhouse gas emissions, but legislates submission of these plans as more of an option. We request that these are required criteria with which carting companies must comply, appropriately addressing the urgency and gravity of our climate crisis and environmental safety.

- b) **Prioritization of facility oversight:** The same level of oversight for carters must apply to facilities handling waste within this bill - including, at the very least, their adherence with local, state, and federal laws – notably including the city’s zoning codes and federal OSHA regulations. The trucks and the facilities are inextricably connected, so regulating one part of the system while neglecting the other is likely to result in continued poor management practices at many transfer stations, including poor waste separation and idling trucks. Critically, communities living near transfer stations should not have to continue dealing with odor, noise, pollution, pests, and other disruptions from poorly operating facilities, when better management practices and technologies exist. Poor facility operations are a large part of the burden environmental justice communities face on top of the disproportionate amount of waste that is routed to them, and we cannot leave regulating this aspect of the waste system for later – it has already been too long.
- c) **Increased waste diversion from landfill:** We are pleased that the bill requires carter submission of waste reduction plans, and to strengthen this, we think that it is imperative for the bill to advance very rigorous waste reduction targets in line with the city’s OneNYC goal of Zero Waste by 2030. This would provide further benefits for overburdened NY communities and downstream EJ communities in New York, New Jersey, and other states receiving waste from our transfer stations. We cannot continue to safeguard inefficient business practices at the expense of areas of the planet that have effectively been deemed disposable. In this vein, this bill has the opportunity to uplift those businesses that are innovatively tackling our egregious waste generation and the climate crisis, by prioritizing waste reduction and reuse. These businesses include the zero- or low-emission organic waste micro-haulers who provide employment to young people, people of color, and women. They must be allowed to scale up sustainable processes such as composting by increasing infrastructure dedicated to their work and including higher tonnage allowances within this bill.
- d) **Regulated subcontracting:** If subcontracts are allowed within zones, they should be limited in number (e.g. one per waste stream), specified in detail within the RFP beforehand, and should prioritize subcontractors using at least the same standards as the primary carting companies, lest the functioning of the CWZ bill negate its stated goals and increase vehicle miles, continue to allow the criminal exploitation of workers, and the negligent disregard for communities, businesses, and ecosystems.
- e) **Increased public reporting:** We encourage meaningful, regular public involvement at least twice annually in the processes of granting contracts or subcontracts, and implementing and managing the CWZ program – we must be involved throughout the process because this system affects communities and workers most of all, so we all must be involved in finally making it work.

We thank Council Member Reynoso for introducing this legislation and for consideration of our comments, as well as the members of the legislature who have signed on. We look forward to continuing to work with advocates to promote the most just and sustainable commercial waste zone bill for our communities and future.

June 27, 2019

New York City Council Members:

Please accept the following testimony in support of Local Law (Int No 1574) to amend the New York city charter and the administrative code of the City of New York, in relation to the establishment of commercial waste zones.<sup>1</sup> I am an Assistant Professor at The New School University where I conduct research on air quality and waste issues in environmental justice communities. I believe the implementation of this bill will improve air quality and contribute to environmental justice in New York City.

New York City's commercial sector generates more than 3,000,000 tons of refuse annually. There are currently more than 90 private waste haulers who collect this waste throughout the five boroughs. A single block may be serviced by several different private haulers. The current hauling system is inefficient and harmful for workers, environmental justice, public health, and the community at large. It is critical for the health and safety of New Yorkers that we implement this bill to establish Commercial Waste Zone System. Commercial Waste Zones would require that there are baseline standards for any company submitting a bid. These standards should address environmental, labor and safety standards.

**Environmental, Air Pollution:**

Mobile source emissions are significant contributors to air pollution in New York City. The transportation sector and diesel powered waste trucks emit health harming pollutants including; black carbon, nitrogen oxides, particulate matter, carbon monoxide, and volatile organic compounds. Pollutants such as PM<sub>2.5</sub> are small enough to be inhaled deep into the lungs and affects both respiratory and cardiovascular system functions. Studies show that, even at current levels, short- term exposures to combustion-related pollutants exacerbate respiratory and cardiovascular conditions, and increase mortality risk.<sup>2</sup> New York City is out of attainment with the US EPA's National Ambient Air Quality Standard for ozone (8 hour) and several New York City neighborhoods are out of attainment with the US EPA's acceptable level of annual PM 2.5 which is an average of 12 micrograms per cubic meter of air.<sup>3</sup>

In a recent report examining the impacts of the US incineration industry, put out by my center, the Tishman Environment and Design Center at The New School, we estimated that diesel sanitation trucks that service incinerators are among the most health harming, localized sources of air pollution emanating from the plants. The report estimates that a fleet of 185 diesel trucks traveling of 130 miles per day emits, over 3,000 lbs/day of Particulate Matter and more than 140,000 lbs of nitrogen oxides annually.<sup>4</sup>

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<sup>1</sup> By Council Members Reynoso, the Speaker (Council Member Johnson), Lander, Chin, Brannan, Ayala, Levin, Rosenthal, Lancman, Constantinides and Powers

<sup>2</sup> Air Pollution and the Health of New Yorkers, NYC DOH. <https://www1.nyc.gov/assets/doh/downloads/pdf/eode/eode-air-quality-impact.pdf>

<sup>3</sup> Environmental Protection Agency. 2016. "National Ambient Air Quality Standards." <https://www.epa.gov/criteria-air-pollutants/naaqs-table>

<sup>4</sup> Sandhu, Frey, Bartelt-Hunt, and Jones, "In-Use Activity, Fuel Use, and Emissions of Heavy-Duty Diesel Rolloff Refuse Trucks," Journal of the Air & Waste Management Association 65, no. 3 (2015): 306–23.

Diesel trucks have the worst fuel economy of highway vehicles and emit approximately 20 percent of global anthropogenic emissions of nitrogen oxides (NOx), which are key PM2.5 and ozone precursors.<sup>5</sup> Rear-loader refuse trucks are most common for collecting residential trash and have an average fuel economy of between 1 and 3 miles per gallon. Due to their weight, poor fuel economy, idling, and stop and go patterns, and inefficient truck routes, they produce a substantial amount of emissions during a typical day.

Only 10-14% of the commercial waste hauling fleet in NYC meets 2007 EPA emission standards.<sup>6</sup> It is estimated that if nothing is done to address the aging fleet, these trucks will emit a total of 1,368 tons of particulate matter and 23,198 tons of nitrogen oxides between 2013 and 2030.<sup>7</sup> Commercial waste hauling trucks average around 79,000 vehicles miles per day and are often older than the average waste truck. This means that commercial waste trucks in NYC travel hundreds of times more than the average sanitation truck and result in 600 times the amount of daily pollution emitted in NYC.

The significant emissions from the trucks contribute to the health burdens and risks throughout these communities, in particular to communities where waste transfer and process industries exist. The extent of the impacts from the emissions is often underestimated by regulatory agencies.

The pollutants emitted by diesel waste trucks have significant impacts on public health. “The NYC Department of Health and Mental Hygiene (DOHMH) estimates that PM 2.5 pollution causes more than 3,000 deaths, 2,000 hospital admissions for lung and heart conditions, and approximately 6,000 emergency department visits for asthma in children and adults annually. DOHMH also found that even a 10 percent reduction in current PM 2.5 levels could prevent over 300 premature deaths, 200 hospital admissions and 600 emergency department visits every year.”<sup>8</sup> According to this report, “**Even modest reductions in the levels of these pollutants could prevent hundreds of deaths, hospital admissions and emergency department visits.**” Therefore by reducing the number of waste trucks on a daily basis and thus reducing the emissions of PM 2.5 can lead to reductions in the numerous health impacts and even deaths from diesel related emissions.<sup>9</sup>

While the significant number of waste trucks operate are dispersed throughout the city there is still additional burden on communities like the South Bronx who have multiple waste transfer facilities located in the community. This means that the majority of the trucks frequently travel within the same neighborhoods and travel throughout NYC and follow inefficient truck routes that result in multiple trips often traveling into the facility via residential streets. These inefficient routes expose some of the most overburdened and vulnerable communities in New York City. CWZ would ensure that communities like the South Bronx do not suffer disproportionately from the commercial waste hauling system.

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<sup>5</sup> The International Institute for Applied Systems Analysis, ECLIPSE Emissions Inventory, (Laxenburg, Austria: The International Institute for Applied Systems Analysis, 2016).

<sup>6</sup> M.J. Bradley & Associates LLC. 2013. “NYC Refuse Truck Age-out Analysis.” p.7

<sup>7</sup> M.J. Bradley & Associates LLC. 2013. “NYC Refuse Truck Age-out Analysis.” p.2

<sup>8</sup> Transform Don’t Trash. 2017. “Clearing the Air: How Reforming the Public Waste Sector can Address Air Quality Issues in Environmental Justice Communities.” p. 6

<sup>9</sup> Iyad Kheirbek, Katherine Wheeler, Sarah Walters, Grant Pezeshki, Daniel Kass. 2011. “Air Pollution and the Health of New Yorkers: the Impact of Fine Particles and Ozone.” New York City Department of Health and Mental Hygiene, p.3

The implementation of a commercial waste zone would reduce truck traffic up to 68% in measured vehicles traveled from 23 million miles per year to 7 million. This reduction would cut 2,800 trucks from the road, prevent 3.5 million gallons of diesel fuel consumption, cut associated pollutants such as nitrous oxide and particulate matter by 32-64 percent, and cut CO2 emissions by 42-64 percent annually.<sup>10</sup> Furthermore, #6 in the draft policy, states the proposal submissions if any, to reduce greenhouse gas emissions can be reached through operational best practices, infrastructure investments, adoption of technologies or other sustainable solutions, including plans to invest in sustainable facilities and infrastructure for organics and recycling processing and plans to invest in low emission vehicles.

**Labor and Community:**

Besides the impacts from air pollution, the create of CWZs will address harmful impacts on workers and the broader public. Under the current commercial waste removal codes, truck routes today are largely based on customer preferences. This means that a single company may service multiple boroughs in a single trip and multiple companies may serve different commercial establishments located within one neighborhood, or even block. The inefficient and competitive system encourages dangerous and unsafe labor standards and increased risks to public health and safety.

Present hauling practices have led to increases in reckless driving in order to complete the long routes and distances between stops. In a two-year period, there have been 35 crashes amongst the 20 largest waste haulers in a two-year period. Two of the crashes resulted in fatalities. The current lack of coordination increases safety and public health risks for workers and the broader community. According to the US EPA's Waste Transfer Facility Manual, "Traffic causes the most significant offsite environmental impacts associated with larger waste transfer stations. This is particularly true for stations in urban and suburban areas where traffic congestion is often already a significant problem for the local community."

The establishment of waste zones and the repealing of sections 16-523 and 16-524 will ensure that there is predictability, accountability, and transparency between the city, having companies, and the community. CWZ system has the potential to transform a heavy polluting inefficient private sanitation industry system to one that reflects the City's values to support environmental justice, sustainability and the protections of workers and residents.

Sincerely,



Ana Isabel Baptista, Ph.D.

Chair, Environmental Policy & Sustainability Management Program

Assistant Professor of Professional Practice, Milano School of Policy, Management and Environment

Associate Director, Tishman Environment & Design Center

72 5th Avenue, Room 506, New York, NY 10011

[Baptista@newschool.edu](mailto:Baptista@newschool.edu)

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<sup>10</sup> New York City Department of Sanitation and Business Improvement Commission. 2016. "Commercial Waste Zones, a Plan to Reform, Reroute, and Revitalize Private Carting in New York City," p.9



June 27, 2019

Commercial Waste Zone Bill (Intro 1574) Public Hearing  
El Puente Testimony

Hello, my name is Leslie Velasquez, I manage environmental justice programs at El Puente. We are a community based organization, founded in 1982, and serve the low income communities of color of Williamsburg's Southside and Bushwick. Like many historically low income communities of color, Southside Williamsburg and Bushwick are environmental justice communities, and traffic from waste transfer stations is one of the risks that unfairly affects communities like ours. In fact, North Brooklyn is disproportionately the most waste-burdened community in New York City, handling 40% percent of the city's total waste.

An unnecessary amount of waste trucks cross through our communities, with multiple trucks serving the same blocks, going to and from waste transfer stations, which are disproportionately sited in our communities and other low income communities of color. This excessive truck traffic severely pollutes the air we breathe. In 2016 we worked with community members to study air quality in four parks in Williamsburg's Southside. We found that all parks had peak pm 2.5 levels 4-6 times higher than the maximum levels recommended by national air quality standards.

This degree of air pollution of course has serious consequences. In the Williamsburg-Bushwick area, asthma rates are twice as high as the overall rates for Brooklyn and New York City. Air pollution also causes many other respiratory diseases, heart disease, neurological issues, and even cancer.

In addition to posing a critical public health hazard, diesel emissions from truck traffic also include greenhouse gases, which contribute to climate change. Climate change threatens the very survival of communities like ours, which will be hit first and worst by the effects of climate change. This is why El Puente supports commercial waste zones and Intro 1574.

El Puente is excited that the EIS confirms that our current commercial waste collection system is inefficient and harmful, and that this bill would reduce air and greenhouse gas pollution by reducing truck traffic on our streets, resulting in improved health outcomes and lowered climate risk for environmental justice communities like ours.

We also support that this bill incentivizes a more equitable distribution of waste, diverting waste from overburdened environmental justice communities, as well as provisions related to truck and worker safety standards.

However we believe that the bill could be stronger. In the bill carters are not required to comply with waste management, greenhouse gas reduction, or air pollution reduction plans. Further, submitting plans to reduce greenhouse gas and particulate emissions are not required. To adequately address the climate and public health crises facing our communities submitting and following these plans must be mandatory. Additionally, the same standards and oversight for carters should be applied to waste management facilities, which are disproportionately sited in environmental justice communities like ours. These facilities often fail to adhere to local, state, and federal laws, critically burdening our communities with odor, noise, pollution, and pests. To achieve justice and overall reform of the industry we must regulate both carters and waste facilities.

El Puente applauds our colleagues who have worked tirelessly for years in this effort and thank our Councilmember Antonio Reynoso for his dedication to this issue and introducing this legislation. Together, with our friends and allies in the movement, we will continue to work for waste equity and environmental justice for our community and communities like ours. Thank you.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

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

(PLEASE PRINT)

Name: ROBERT ORLIN  
Address: DEPUTY COMMISSIONER, LEGAL AFFAIRS  
I represent: NYC DEPT. 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: \_\_\_\_\_

(PLEASE PRINT)

Name: CHRISTINE BILLY  
Address: ASSOCIATE COUNSEL  
I represent: NYC DEPT. 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: 06

(PLEASE PRINT)

Name: JUSTIN BLAND  
Address: DIRECTOR OF COMMERCIAL WASTE  
I represent: NYC DEPT. OF SANITATION  
Address: DIRECTOR OF COMMERCIAL WASTE

**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: 6/27/19

Name: Michael Taormina (PLEASE PRINT)

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

I represent: Private Sanitation Sales

Address: 10

**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: 6/27/19

Name: ROLANDO GUZMAN (PLEASE PRINT)

Address: 306 UNION AVE, BK, NY 11211

I represent: OUTRAGE

Address: 306 UNION AVE, BK, NY 11211

65

**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: 06/27/2019

Name: ANGELA PINSKY (PLEASE PRINT)

Address: 115 BROADWAY NY, NY 10006

I represent: ARNY - ASSOCIATION FOR A BETTER NEW YORK

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 06/27/2019

Name: Michael Brady (PLEASE PRINT)

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

I represent: Third Avenue BID

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: ISAAC JORDAN (PLEASE PRINT)

Address: 936 ST MARKS AVE BK NY

I represent: New Yorkers for Responsible waste management

Address: (NYRWM)

**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: Marc de Konkoly Thege (PLEASE PRINT)

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

I represent: RoHo Compost

Address: 93 City Ave PO Box 847

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Ronald H. Newman

Address: 365 52nd Street

I represent: The Private Carting

Address: Industry\*

60

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: Greg Todd

Address: 1272 Park Place Bklyn

I represent: myself

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

59

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: ANDREA SCARBOROUGH

Address: 115-05 179th STREET ADDISLEIGH PARK

I represent: ADDISLEIGH PARK CIVIC / SOUTHWEST QUEENS

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: 6/27/19

(PLEASE PRINT)

Name: Rene Hill

Address: 115-05 178 Place, Jamaica, NY 11434

I represent: Mr. William Scarborough

Address: 115-05 179 ST, Jamaica, NY 11434

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: 6-27-19

(PLEASE PRINT)

Name: MEREDITH DANBERG-FICARELLI

Address: 477 FOR DR # MS07 10002

I represent: COMMON GROUND COMPOST

Address: 34 5th AVE # 173 10003

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: Dylan Oakley

Address: 229 Parkville Ave, 2H, Brooklyn

I represent: Brooklyn Solid Waste Advisory Board

Address: Brooklyn Borough Hall

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6-27-19

(PLEASE PRINT)

Name: Ana Baptista

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

I represent: The New School

Address: 72 5th Ave NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition non-exclusive zones

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

(PLEASE PRINT)

Name: Ana Champeny

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

I represent: Citizens Budget Commission

Address: 2 Penn Plaza

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 06/27/2019

(PLEASE PRINT)

Name: Daxiana Reyes

Address: 2105 Myer Avenue Bronx, NY, 10457

I represent: Bronx Chamber of Commerce

Address: 1200 Waters Place, Bronx, NY 10461

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1573 Res. No. \_\_\_\_\_  
 in favor  in opposition

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

(PLEASE PRINT)

Name: Don Gebbey

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

I represent: Families for safe streets

Address: 116 John Street

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1573 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 8/27/19

(PLEASE PRINT)

Name: Thomas DeWitt

Address: 18 Douglass street

I represent: Trans Alt

Address: 111 John Street, 1573

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1573 Res. No. \_\_\_\_\_  
 in favor  in opposition

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

(PLEASE PRINT)

Name: Blythe Austin

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

I represent: Families for safe streets

Address: 111 John Street

**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: Chio Valerio - Gonzalez

Address: 103 So Broadway

I represent: ALIGN

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/2019

(PLEASE PRINT)

Name: Vanara Thorburn

Address: 380 Classon Ave

I represent: Vokashi, 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: \_\_\_\_\_

(PLEASE PRINT)

Name: Nelson Eusebio

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

I represent: National Supermarket Association

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

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

(PLEASE PRINT)

Name: Florio Cruz-Alvarez

Address: New York NY

I represent: Int. B. of Teamsters

Address: Washington DC

**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: Kevin Dugan

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

I represent: NYS Restaurant Association

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: Daxiana Reyes

Address: 112th Street

I represent: Bronx Chamber of Commerce

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Fernando Ortiz

Address: 940 Garrison Avenue, Bronx

I represent: The POINT CDC

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/2019

(PLEASE PRINT)

Name: Heather Ducharme

Address: 120 Broadway, Suite 3340 NY, NY 10271

I represent: Alliance for Downtown New York

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: Noah Genel

Address: Commissioner's Chair B1C

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

Address: 100 Church St

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 6-27-19

(PLEASE PRINT)

Name: Benjamin Anderssohn

Address: Executive & Broadway Council

I represent: Center for Urban Waste Design

Address: 1000 Broadway St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor     in opposition

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

(PLEASE PRINT)

Name: Leslie Velasquez

Address: 803 Hart Street, Brooklyn

I represent: El Puento

Address: 24 54th Street, Brooklyn

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor     in opposition

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

(PLEASE PRINT)

Name: Dr. Tok Ayenole

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

I represent: NYC Environmental Justice Alliance

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Brandon Lyon

Address: 134 Sullivan St.

I represent: Manhattan SWAB

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: SANDY NURSE

Address: 358 Palmetto St Brooklyn NY 11237

I represent: BKROT

Address: 1278 Myrtle Ave Bk

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: Gregory Lettieri

Address: 404 Hudson St., 404, NY NY 10014

I represent: Recycle Track Systems

Address: Same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 1574

in favor  in opposition

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

(PLEASE PRINT)

Name: ADAM COPE

Address: CIVICORPS, OAKLAND CA

I represent: CIVICORPS

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27

(PLEASE PRINT)

Name: Mark Dicus

Address: Real Estate Board of New York 1574

I represent: SOHO Broadway Initiative

Address: Real Estate Board of New York 2/6

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 20/27

(PLEASE PRINT)

Name: Zach Steinberg

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

I represent: Real Estate Board of New York

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Ronald Bergamini

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

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

Address: Action Carting CEO

**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: MICHAEL GREELEY

Address: 60 THAYER ST NY NY 10040

I represent: MANHATTAN CBS

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: LISA BLOODGOOD

Address: 520 Kingsland Ave 11222

I represent: Newtown Creek Alliance

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Andy Moss

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

I represent: Waste Connections

Address: Head of Government Affairs

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: Kathleen Reilly

Address: 315 W 36th St NY NY

I represent: New York State Restaurant Assn.

Address: " "

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6-27-19

(PLEASE PRINT)

Name: Benjamin Miller

Address: 800 W. 111th St NYC NY

I represent: Center for Zero Waste Design

Address: Brooklyn, NY

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card 1574

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

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

(PLEASE PRINT)

Name: Ronald Bergamini

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

I represent: Action Carting CEO

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card 1574

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 1574  
 in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: KEVIN DREW

Address: 918 SKILLMAN LANE PETALUMA, CA

I represent: MYSELF

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card 1574

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

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

(PLEASE PRINT)

Name: Jennie Gomez

Address: 7 Stanhope St, Brooklyn, NY 11221

I represent: myself

Address: n/a

**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: Sean T. Campbell

Address: 418-18 Van Dam Street L.I.C.

I represent: Local 813 I.B.T.

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

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

(PLEASE PRINT)

Name: Jessica Yance

Address: 3243 91ST

I represent: Teamsters local 210

Address: N.Y NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: PHIL VOS

Address: 488 7th ST BROOKLYN 11215

I represent: ENERGY VISION

Address: 132 E. 13 ST. NYC 10003

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. waste zones Res. No. \_\_\_\_\_

in favor  in opposition

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

(PLEASE PRINT)

Name: Adriana Espinoza

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

I represent: NYLCV

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: Donna Konetta Buchanan

Address: 72 Linden St - Bklyn - NY - 11221

I represent: Local 813

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

Date: 06/27/2019

(PLEASE PRINT)

Name: Ayyad Alqabjali

Address: 0740 5th Ave Brooklyn NY

I represent: Levani American Merchants Assoc.

Address: 0740 5th Ave Brooklyn NY 11220

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. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: Susan Waltman

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

I represent: Greater NY Hospital Association

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: 6/27/2019

(PLEASE PRINT)

Name: Alexis Robison

Address: 356 E 152 St

I represent: 813

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 813 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6-27-19

(PLEASE PRINT)

Name: Francisco Rivera

Address: 5415 Alameda Ave 7E Arvene

I represent: Royal Waste / Teamster 813

Address: 4818 Van Dam St, Queens, 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: \_\_\_\_\_

(PLEASE PRINT)

Name: Kendall Christiansen

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

I represent: New Yorkers responsible waste management

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: 6/27/19

(PLEASE PRINT)

Name: Anthony Carmona

Address: 511 53<sup>rd</sup> Brooklyn NY

I represent: 813/Waste connection

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: Steve Leone

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

I represent: Industrial Carting

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: John Fojas

Address: 1218 Baynton Ave

I represent: Kamsteers

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: Andrew ~~Rigie~~ Rigie

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

I represent: NYC Hospitality & Alliance

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: Adam Mitchell

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

I represent: Mr. T Carting

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: July 27, 2019

(PLEASE PRINT)

Name: MARY CLEAVER

Address: 248 SACKETT ST, Brooklyn NY 11271

I represent: CIGAVUE CO.

Address: 257 Columbia ST - Brooklyn NY 11231

**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: 40 WEST 20 ST NY NY 10024

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: ERIC McCURT

Address: 423 4th ST BROOKLYN 11215

I represent: STREETSPAL

Address: 17 BATTERY PLACE NY NY 10004

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

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

(PLEASE PRINT)

Name: JUSTIN WONG

Address: 151 W 30th St

I represent: NYLPI

Address: 151 W 30th St

ALL  
BILLS

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

Both

(PLEASE PRINT)

Name: STEVE CHANGARIS

Address: NATIONAL WASTE

I represent: AND RECYCLING Assoc.

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1574 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: Melissa Iachan

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

I represent: NYLPI

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