

### Testimony of Kathryn Garcia, Commissioner New York City Department of Sanitation

Hearing on the FY 2021 Preliminary Budget and FY 2020 Preliminary Mayor's Management Report

New York City Council Committee on Sanitation and Solid Waste Management

Wednesday, March 4, 2020 2:00 P.M. City Hall, Committee Room

Good afternoon Chairman Reynoso and members of the City Council Committee on Sanitation & Solid Waste Management. I am Kathryn Garcia, Commissioner of the New York City Department of Sanitation. Thank you for the opportunity to discuss the Department's portion of the Mayor's Fiscal Year 2021 Preliminary Budget, the FY 2020 Preliminary Mayor's Management Report, and our current programs and operations. With me this afternoon are Steven Costas, First Deputy Commissioner for Operations, and Larry Cipollina, Deputy Commissioner for Administration and Financial Management.

### Preliminary FY 2021 Budget

As proposed, the FY 2021 Preliminary Budget allocates \$1.76 billion in expense funds to the Department, of which \$1.03 billion is for Personal Services and \$0.73 billion is for Other Than Personal Services. Our FY 2021 budgeted headcount is 10,045, including 7,808 full-time uniform and 2,237 full-time civilian positions. In addition, the Department's proposed FY 2021 capital budget is approximately \$522.1 million. Of this amount, \$326.3 million is allocated to facility construction and rehabilitation, \$8.8 million for information technology projects, and \$187.0 million to replace equipment and vehicles.

The funding resources under the proposed FY 2021 budget will ensure that the Department can continue to keep New York City healthy, safe and clean.

Clean streets and public spaces contribute to a better quality of life that New Yorkers expect and appreciate. The proposed FY 2021 budget continues funding for components of the Mayor's CleaNYC initiative, including expanded Sunday and holiday litter basket collection service and targeted cleaning and enforcement efforts in high need areas.

In the current fiscal year, districts across the city have benefited from supplemental litter basket collection service funded in partnership with the City Council at budget adoption last June. As a result of these investments, the Department continues to maintain record-high scorecard cleanliness ratings across the City. Through January 2020, the Department has achieved a citywide average scorecard rating of 96.6 percent of streets rated acceptably clean, up from 95.2 percent in the year prior.

Snow-fighting is also a core component of the Department's mission, ensuring safe travel for first responders, residents and commuters. The FY 2021 preliminary snow budget is \$101.7 million. Our current modified snow budget for FY 2020 is \$111.1 million. The warmer temperatures so far this year has produced a winter season that has yielded lower overall snow accumulations to date than the past few seasons, with some forecasted snow events transitioning to rain or moving entirely away from the City. We have only activated for 7 events to date this season, compared to 18 events by this time last season. Our snowfall depth to date for the 2019-2020 winter season has been 4 inches.

We know that preventing the accumulation of snow and ice on the roadways during snow storms is critical to keeping New York City moving. Last spring, we announced a plan to purchase a new fleet of 10 large and 14 small brine trucks that spray a liquid salt solution which can prevent snow and ice from sticking in the first place and stay ahead of the impacts of frozen precipitation on critical roadways. The Department received the first 20 of its brine equipment last fall. The Department has already begun using brine pre-treatment this winter season, and we will continue to evaluate its performance.

### Sustainable Waste Management

Last year the Department completed construction of the new marine transfer stations in accordance with the City's Solid Waste Management Plan adopted by the City Council and approved by the New York State Department of Environmental Conservation in 2006. Today all the MTSs are fully operational and manage waste sustainably by shifting waste export out of the City from long-haul trucks to marine and rail transfer facilities. The City's long-term waste export program has cut greenhouse gas emissions associated with waste transport by more than 34,000 tons annually and has created a more equitable distribution of waste management infrastructure in New York City.

DSNY is also in the process of implementing transfer station capacity reductions in the South Bronx, North Brooklyn and Southeast Queens pursuant to Local Law 152 of 2018, the City's waste equity law. When these cuts are fully implemented in September 2020, we will have further reduced the concentration of waste management infrastructure and capacity in these historically overburdened neighborhoods.

The commercial waste sector also plays an important role in achieving our zero waste goals. In November 2018 the Department released a comprehensive plan for reforming the private carting industry by proposing the establishment of commercial waste zones—a safe and efficient collection system to provide high quality, low cost service to New York City businesses while advancing the City's zero waste and sustainability goals. The Department developed this plan after years of extensive public outreach and engagement with a variety of stakeholders, including Chair Reynoso, this Committee and the Council. One year later in November 2019, enactment of landmark legislation was realized when Local Law 199 passed the City Council and was signed into law by Mayor de Blasio, authorizing the Department to create a commercial waste zone system for New York City.

The Department is undertaking several steps to carry out the mandates of Local Law 199. Last month, the Department published its final rule to create 20 designated commercial waste zones across New York City and authorize up to three private carters to operate per zone. There will be eight zones in Manhattan, two zones in the Bronx, five zones in Brooklyn, four zones in Queens, and one zone in Staten Island. This is the first of several rules that the

Department will promulgate in the first half of this year to implement the program that include rules governing customer service for commercial establishments, operational requirements for private carting companies, health and safety protective measures for private carting employees, and recycling and organics requirements. By this summer, the Department will begin the competitive procurement process to select up to three private carters to service businesses within each commercial waste zone. The Department anticipates the transition period to the new zone system to begin in 2021 and last up to two years.

The new commercial waste zone system is expected to reduce commercial waste truck traffic by more than 50 percent, eliminating millions of miles of truck travel, cutting air pollution and reducing the time it takes workers to complete their routes. It is also expected to nearly double commercial diversion rate for recyclables and organic waste.

The scope of this commercial waste reform is monumental, and the Department wishes to thank the Chair, the Council, the Business Integrity Commission, our sister agencies and all of the business, environmental and labor advocates for their leadership in this transformational program to modernize the commercial carting industry. We look forward to your input as we implement the new system.

### Recycling and Sustainability

To support the City's zero waste goal, the proposed budget allocates a total of \$14.6 million in FY 2021 to the Department's Bureau of Recycling and Sustainability for waste prevention, recycling and sustainability programs, including outreach and education programs to residents, schools, agencies and NYCHA.

New Yorkers are recycling more than ever, and DSNY collected more recyclable material last year than any year in over a decade. The City's overall diversion rate has reached 21.1% -- the highest rate in nearly two decades. But we know there is more work to do to increase the City's diversion rate and to make it easy for everyone to participate in recycling.

The Department continues to focus on diverting organics – food scraps, food-soiled paper and yard waste – from landfills, where they generate methane gas. Curbside organics collection serves 23 districts in the Bronx, Brooklyn, Queens and Staten Island. Buildings in the rest of the Bronx and Manhattan may enroll to receive collection. In addition, more than 1,200 schools, institutions and agency locations now receive organics collection service. By the end of FY 2019, New Yorkers diverted over 50,500 tons of organics, a 10% increase over the prior year. The Department remains fully funded to continue curbside organics collection service in existing districts.

We are actively working to grow the organics program in other ways. In fall 2019, we expanded the number of schools participating in organics collection by converting three existing school truck routes to organics collection. In addition, we have added 20 City agencies and institutions to existing organics collection routes as called for by Local Law 22 of 2019. We will also continue to recruit large apartment buildings to join the program, especially in areas where collection service already exists. We also continue to establish food scrap drop-off sites to provide residents without curbside service the opportunity to compost their food scraps. By December 2019, we had established more than 173 sites, up from 150 in January 2019.

We are also focused on giving businesses the tools they need to reduce food waste and save money. In March 2019, the Department launched the donateNYC online food donation portal to connect businesses interested in donating food to local organizations that feed hungry people. The tool, created pursuant to Local Law 176 of 2017, is an innovative food rescue effort designed to improve connections between potential business donors and recipients such as food rescue organizations and pantries, shelters, community kitchens and other emergency food programs. So far, about 350 organizations have registered, with half registered as donors and half recipients. Through the end of December, the portal successfully diverted more than 80,000 pounds of excess food through the food donation portal.

Our portfolio of textile and e-waste recovery programs continue to grow both in participation and in material recovered. In 2019, the Department partnered to recover over 16,500 tons of textiles through refashionNYC, clothing drop-off locations, and through donateNYC partners.

In 2019, the Department recycled nearly 8,800 tons of electronics through ecycleNYC, drop off events and the appointment-based e-waste collection program that we expanded citywide to Queens and the Bronx. The Department also continues its popular SAFE Disposal program, offering 5 permanent special waste drop-off sites and 10 borough-wide SAFE Disposal events per year. In 2019, our SAFE program diverted over 630 tons of household hazardous material for safe and proper recycling.

As of March 1<sup>st</sup>, plastic carryout bags are banned in New York State, with limited exemptions. In addition, Local Law 100 of 2019, enacted pursuant to the state law by the City Council, requires that retailers collect a five-cent fee on every paper bag used in New York City. Forty percent of these monies will be reimbursed to the City for the purchase and distribution of reusable bags to New Yorkers.

The Department has taken steps to educate the public regarding the new requirements that took effect this week. Since 2016, Department has distributed nearly one million reusable bags across the City, and we continue to work with elected officials, community groups and others to distribute reusable bags. Since the beginning of this year the Department has held dozens of reusable bag giveaway events across the five boroughs.

New Yorkers can receive a free reusable bag by taking the Zero Waste Pledge or attending a reusable bag giveaway event. The Department would like to thank this Committee and the Council for its leadership and support in the enactment of Local Law 100 that will incentivize individuals to use reusable bags and help us reach our zero waste goals.

We also continue to closely monitor extended producer responsibility legislation for products such as packaging, carpets, and mattresses.

### **Closing Remarks**

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



### The City of New York BUSINESS INTEGRITY COMMISSION

100 Church Street · 20th Floor New York · New York 10007

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 on the Fiscal Year 2021 Preliminary Budget, and the Fiscal Year 2020 Preliminary Mayor's Management Report

### March 4, 2020

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

### Background on the Business Integrity Commission

I will begin with some background information about BIC. We are both a law enforcement and regulatory agency, with a total budget for FY 2021 of \$9.71 million. BIC currently has a total of 85 employees of a total authorized fill of 91. Our roster includes 11 investigators, 10 attorneys, 11 intelligence analysts, and 7 auditors, not including supervisors.

In addition, we work with a squad of detectives from the NYPD's Criminal Enterprise

Investigations Section, who are physically stationed in BIC's offices. BIC's investigators and
attorneys frequently work with those NYPD detectives on long-term criminal investigations, but
the detectives generally do not participate on the regulatory side of our enforcement operations.

BIC was created through Local Law 42 of 1996 to regulate the commercial garbage hauling – or trade waste – industry and rid it of the grip of organized crime and other corruption that had plagued the industry for years. Soon after the agency's creation (when it was named the Trade Waste Commission), the City Council expanded the agency's jurisdiction to include oversight of the City's public wholesale markets: the produce and meat markets and the New Fulton Fish Market in the Hunts Point section of the Bronx, along with the meat markets in the Meatpacking District in Manhattan and Sunset Park, Brooklyn. We play a unique role in City government as we work to regulate and improve these industries. In fact, there is no other agency quite like BIC anywhere in the country.

### Significant Denial Decisions in the Past Year

One of BIC's chief functions is our comprehensive background investigation process. In the past year, we have successfully removed a number of companies and individuals from both the trade waste industry and the public wholesale markets whose participation in those industries ran contrary to BIC's anti-corruption mission. Since our last budget testimony in March 2019, BIC has denied 12 applications across the trade waste hauling industry and the public wholesale markets. For example, in June 2019, the Commission denied the respective license and registration renewal applications for Flag Container Services Inc. (Flag) and Formica Construction Inc., two related companies. There were numerous factors that supported the denials, including the fact that one of the principals was under indictment for criminal acts

relating to a murder and drug sales, as well as a history of unsafe practices at construction sites.

The Flag denial is currently on appeal.

In October 2019, the Commission denied a photo identification application for an individual in the New Fulton Fish Market. As the result of a BIC-led investigation, that individual was convicted in the Southern District of New York of stealing nearly \$1,000,000 from his employer in the New Fulton Fish Market. He was sentenced in August 2019 to 30 months imprisonment and to pay more than \$900,000 in restitution. As a result of BIC's subsequent denial of his photo identification application, that individual has been barred from working in the New Fulton Fish Market. And last Tuesday, the Commission denied the registration renewal application of Step-Mar Contracting Corp. based on the failure of the applicant to inform the Commission that its principal associated with a high-ranking member of the Gambino crime family. The company's principal also refused to testify under oath during BIC's investigation of the application.

These cases are a sample of the broad range of corruption issues that BIC regularly addresses. We have numerous on-going investigations and will continue to work to remove corrupt elements from both the trade waste industry and the public wholesale markets.

### Safety in the Trade Waste Industry

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

Historically, BIC's jurisdiction over safety was limited. That changed on November 20, 2019, when Mayor de Blasio signed Local Law 198, expanding BIC's jurisdiction to include

traffic safety in the trade waste industry. It specifically enables BIC to deny a license or registration for safety issues that rise to a level that warrants denial. We are a small agency with a big mission, and that mission continues to grow. Together with Commercial Waste Zones, the safety legislation will help improve safety in the trade waste industry.

Since Mayor de Blasio appointed me as Commissioner last April, BIC has greatly increased its enforcement activity, with an eye toward improving both safety and overall compliance with BIC's rules and regulations. We have increased our focus on unlicensed and unregistered haulers operating without BIC approval. As shown in our PMMR statistics, in the first four months of FY 2020, we issued 41 violations for unlicensed or unregistered activity versus 20 in the same period of FY 2019. Additionally, BIC has continued our partnership with the NYPD's Transportation Division, conducting regular joint truck enforcement operations with them. BIC also now has a strong partnership with the NYPD's Collision Investigation Squad, which investigates all fatal traffic collisions in the City. When one of those collisions involves a trade waste truck, BIC's investigators go to the scene, so that BIC has full information regarding the company and driver involved and can stay informed about the criminal investigation. And, last month, two BIC investigators joined members of the NYPD for a two-week traffic crash investigation course given by Northwestern University's Center for Public Safety.

### Local Law 145 of 2013 (Vehicle Emissions Law)

One of BIC's most intense focuses this past year has been on ensuring compliance with Local Law 145 of 2013 (LL 145), the trade waste vehicle emissions law. This law requires that all heavy-duty trade waste vehicles be equipped with an engine certified to the 2007 EPA standard or later or utilize specific retrofit technology. The law's mandate went into effect on

January 1, 2020, and covers more than 5,100 trucks, as of today. Leading up to the effective date of the law, in 2019, we spent a great deal of time and effort reaching out to the industry to insure BIC's licensees and registrants were educated about the law and knew how to comply with it. In December 2019 alone we spoke to nearly 300 companies about the law.

With our outreach came increased compliance. In December 2019, companies turned in more than 300 BIC-issued license plates for non-compliant trucks, thus making those trucks ineligible to legally haul trade waste. In January 2020, companies turned in plates for more than 400 additional non-compliant trucks. In early February, we began issuing summonses against companies with non-compliant trucks. To date, we have issued 100 such summonses. Each comes with a \$10,000 fine per truck, and the companies are given 60 days to correct the issue. If they correct it, the summons is withdrawn. Our sister agency, the Department of Environmental Protection has been a valuable partner in the effort to inspect retrofitted trucks to ensure that they comply with the law.

### BIC's PMMR Data

The PMMR is a measure of BIC's achievements, efforts, and goals in carrying out our law-enforcement and regulatory duties. BIC fulfills its mandate through rigorous background investigations, criminal and administrative investigations, and the development and enforcement of our regulations.

With respect to administrative violations, BIC issued significantly more violations to BIC-licensed and registered trade waste companies over the first four months of this fiscal year compared to the same period last fiscal year. This increase is primarily due to trade waste companies failing to comply with Commission rules, such as providing BIC with a complete and accurate customer register and reporting collisions. For the City's public wholesale

markets, the number of violations issued in the first four months of this fiscal year remained consistent with the same period a year ago.

Although improving our efficiency in the application process is important, BIC must maintain its high standard of background review and investigation for all of our applicants. As a regulatory and law enforcement agency, we must be thorough. Our investigations are dynamic and can become quite complex. This past year has been particularly challenging to our efficiency for a number of reasons, one of which is that BIC's headcount fluctuated greatly: at one point, due to a high rate of employee turnover, BIC's headcount was down approximately 20%. Yet, with a strong focus on replenishing our ranks, we are now nearly at our maximum fill of 91.

Perhaps more importantly, the past year was extremely busy for BIC in virtually every department. BIC personnel spent large amounts of time working on high-priority initiatives and other projects, which pulled resources from application review. Those initiatives and projects included preparing for enforcement of and implementing the mandate of Local Law 145, responding to inquiries from the City Council's Oversight and Investigations Committee, working to provide comments on and implement numerous bills directly affecting BIC, preparing to register unions in the trade waste industry, working with the Department of Sanitation on the Commercial Waste Zones program and numerous confidential long-term investigations. As a result, the number of pending trade waste applications increased from 564 in the first four months of FY 2019 to 597 in the same period of FY 2020; and market applications increased from 36 in the first four months of FY 2019 to 93 in the same period of FY 2020. The average time to approve a trade waste renewal application increased by 58%; and the average age of a pending public wholesale market application increased by 32%.

Despite these challenges, because we prioritized reviewing new trade waste applications (as opposed to renewals), the average time to approve a new trade waste hauling application saw a modest increase from 126 days in the first four months of FY 2019 to 158 days during the same period of FY 2020. This is important because new applicants cannot operate unless their applications are approved, whereas companies submitting renewal applications can continue to operate while their applications are under review. This year, we will strive to improve those efficiency numbers.

### Conclusion

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



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# Testimony of NYLPI at New York City Council Committee on Sanitation and Solid Waste Preliminary Budget Hearing Dated March 4, 2020

Good afternoon, my name is Justin Wood/Melissa Iachan and I work in the Environmental Justice Program at New York Lawyers for the Public Interest. As our City continues to face the dual crises of climate change and social inequality, it is critical that we adequately fund programs to ensure that our City diverts waste from landfills and that we realize the central goal of the City's Solid Waste Management Plan to move waste processing away from the truck-intensive private transfer stations clustered in low-income communities and communities of color.

We strongly support DSNY's organic waste recycling program, which diverts food waste from landfills. But as DSNY's own waste characterization studies reveal, most of our organic waste is still going to landfill. Organic matter decomposing in landfills is a major source of methane emissions, and recycling this material via composting or controlled anaerobic digestion processes is essential to reducing our City's greenhouse gas emissions, and also has potential to assist our City in moving towards more local renewable energy generation.

We understand that DSNY faces significant efficiency and cost-related challenges with the current voluntary curbside organics program which have led to a troubling pause in the program's expansion. It is clear that without adequate funding to expand the voluntary curbside pickup citywide, and begin to phase in mandatory organics recycling, we will never take the important strides forward in reducing our carbon footprint while moving closer to zero waste. We strongly urge the City to shift to a phased-in mandatory curbside organics collection program, which has proven effective in boosting waste diversion in other major cities. This would necessitate new and stronger outreach, particularly in areas of the City where the voluntary program never was rolled out.

The Council must fund a citywide mandatory organics program at \$42 million, which figure should include adequate funding for outreach and education in communities who have not yet received brown bins over the past several years.

We further believe that the Department can find additional creative solutions that would increase the efficiency of the residential organics program during this mandatory phase in, while tackling the even larger problem of commercial organic waste. The commercial waste stream is estimated to be about equal to the residential one – about 3 million tons of putrescible trade waste per year – and about 1 million tons of this huge stream are organic material. Troublingly, private transfer station reports filed with the DEC show that very little of this material is diverted to compost or digestion facilities. We believe DSNY could substantially increase small business participation in organics recycling *and* improve the efficiency of existing compost routes by offering an affordable brown-bin organics service to small businesses in communities where DSNY already operates residential organics service. Such a program would allow workers to fill existing organics trucks, allow small business owners to divert far more of their waste from landfills, and boost business participation in a meaningful recycling program in advance of the new commercial waste zone system.

While reducing greenhouse gas emissions is a priority of the City as a whole, reducing landfill-bound waste will be even more beneficial in communities where truck-intensive waste transfer stations are clustered. Importantly, the City's 2005 Solid Waste Management Plan called for DSNY to begin utilizing Marine Transfer Stations for commercial waste by 2010 to further reduce the amount of waste, and trucks, going to these private transfer stations. It is now a decade later and we still haven't begun to use the four state-of-the-art City-owned facilities to help make the commercial waste system more efficient and reduce pollution.

As you know, the commercial waste zone system being implemented this year will greatly reduce the number of miles traveled by commercial waste trucks on their collection routes, as haulers will be awarded specific zones rather than traversing the city to find customers. Giving these haulers access to publicly owned marine transfer stations will allow them to operate even more efficiently and would reduce the number of diesel collection trucks and long-haul export trucks operating in environmental justice communities.

Having access to efficiently located marine and rail-based facilities is also advantageous for local private haulers bidding on waste zones – including smaller companies that do not own their own transfer stations. Any private hauler collecting commercial waste in midtown Manhattan, for example, would benefit by being able to tip waste at the East 91st Street MTS – eliminating several miles of driving and the bridge crossings currently required to get to private transfer stations in the outer boroughs. It is a no-brainer, and yet, in order to fully utilize these facilities with incredible potential, the Council must allocate funding for them to run longer hours, and in particular those hours during which commercial haulers tend to dump the waste they collect—overnight. By adding a third overnight shift to currently under-utilized marine transfer stations, DSNY would also be creating additional high-quality, green jobs in safe facilities.

We therefore urge the Mayor's office and City Council to ensure that there is ample funding in this year's budget to begin operating the marine transfer stations at full capacity and begin accepting commercial waste during an overnight shift.

We know that Commissioner Garcia and DSNY share our desire to make strides in the push to zero waste and a reduced carbon footprint and hope that the Council will take seriously the need to fund these important initiatives at DSNY in order to make these important policy proposals our path forward as a City.

Thank you,



219 McKibbin Street Brooklyn, NY 11206 Tel. 718-326-3250

For: Hearing on Sanitation and Waste Management. March 4th 2020

We're facing a plastic pollution crisis with nine million tons of plastic worldwide entering the ocean each year. The state bottle bill is effective in preventing plastic containers from being littered and entering water bodies (Judith Enck). But, in less than two years, four redemption centers in our area have closed. We collect millions and millions of plastics bottles and cans that without the canners, would stay exactly where they are, polluting our streets and oceans.

Two weeks ago, Sure We Can (SWC) received a notice that we will be evicted from our location on April 30<sup>th</sup> if we cannot come up with the three million dollars the owners asked for the lot.

For the last 10 years SWC has been at 219 Mckibbin street in Brooklyn. We have developed many services including storage bins for canners; a community-teaching program; a compost program; and an up-cycling project for plastic film-single use bags. We also run environmental education programs with local schools, universities and other partners and forge alliances with the canner community and organizations in the area to further reach out and serve the traditionally undercounted (immigrants, low-income people, elderly, homeless, etc.).

We do not have anywhere else to go. There are no other affordable or appropriate sites. We would need a nearby location, as our members work on foot, and many are elderly or disabled. Eviction from our site means abandoning those who society has left behind, and even forgotten.

Judith Enck, in her letter to a New York Times editor, wrote, "When I worked to pass New York's bottle bill in 1982, I made the point that children would pick up empty beverage containers to supplement their allowances. Little did I know that the growing problem of income inequality would result in thousands of people relying on nickel deposits as a source of income".

"It will benefit everyone to update the 1982 law by increasing the nickel deposit to a dime and by adding noncarbonated beverage containers such as iced teas and wine and liquor. The Department of Sanitation is opposed because it does not want to lose money from recyclables from its curbside recycling program" she says.

The city can remedy this by supporting redemption centers and helping to establish new ones. The redemption center could be required to send material to recycling companies that the city has contracts with.

The canning community is self-motivated, inspired, and hard-working and needs the help of the city to continue to reduce pollution and make a living. The New York's bottle bill has succeeded in preventing tons of recycling materials from going to landfills and polluting our streets and oceans. The redeemers provide a public service and need the support of the city and the Department of Sanitation to continue. We can fight pollution together with your support. Thank you.

### Mobilizing Research for Social and Environmental Resilience

Canning is not only an important livelihood activity for NYC's most vulnerable residents but also transforms trash into sorted materials for higher quality and efficient recycling.



### What is canning?

Canning is an informal activity in New York City and other North American cities that involves removing recyclable materials from the ground and from public, commercial, and residential waste receptacles with the purpose of redeeming the consumer deposit on those materials. Canning is a form of waste picking, which is practiced around the world by impoverished and homeless individuals and by those for whom the formal labor market is not an option due to age, disability, language or educational limitations, and other constraints. Canners get a sense of independence and security from their labor, as they don't have to turn to crime or begging for income, but they also face significant risks in doing this work.

In New York City, there is much work to be done to improve the public image of canners by reducing the social stigma around canning and demonstrating the important role of this activity in renewable resource recovery. This pamphlet provides a snapshot of current research findings on canning in NYC, advocacy efforts, and next steps.



Canners and advocates marching in the 2019 Climate Strike, NYC

### Did you know

There are between 4,000 and 8,000 people who earn or supplement an income through canning in New York City (Eunomia 2018). Although canners are a diverse community, the vast majority are living below the poverty line and represent traditionally marginalized groups: racial minorities, immigrants, those with disabilities, public housing residents, the homeless, and those lacking English and digital literacy. It is estimated that at least 25% of canners are over the age of 60. (Winchester 2019; SWC Data 2018).

### What are the challenges canners face?

- Wastepickers, including canners in NYC, face a number of risks. Common risks include illness or injury from harsh weather conditions, verbal harassment, physical violence, theft of collected materials or money, skin and viral infection due to broken glass and metal, physical soreness, and arthritis pain (Winchester 2019).
- Unemployment is a major reason why people turn to canning in the U.S., as it is in Canada (Guttberg et al 2018). Canners in NYC cite many reasons for being unable to obtain formal work, including: advanced age, disability, or lack of education, legal work status, or English language skills. For instance, some canners are disabled but do not receive disability assistance because they were unable to successfully navigate the

complex disability qualification process.

- For those receiving insufficient public benefits, canning provides critical supplementary income for everyday survival.
- Canning is a time consuming activity. Most canners interviewed reported working at least 5 hours a day, 5 to 7 days a week.
   Because they only get 5 cents per bottle, they need an enormous number of bottles to make a meaningful income. Most canners earn only \$10-\$30 day from this activity.
- Canners often use shopping carts in order to transport their collected products. There is a strong social stigma attached to the use of shopping carts because of their noise and canners sometimes face charges of theft.

### What forms of canner advocacy are underway in New York City?

- In late 2019, the NYC Mayor's Office for Immigrant Affairs initiated an effort to provide information and city services to canners who are immigrants.
- The NYC Complete Count Fund allocated over \$50,000 for education and mobilization efforts to ensure that canners will be counted in the 2020 census.
- Canners at one redemption center (Sure We Can) diverted over 11 million recyclable containers from area landfills in 2018. The DSNY is now collecting data from SWC in order to help track factors that positively impact diversion rates.
- In October 2019, The Canner Advocacy Task Force (CATF) was formed with the support of SWC and WIEGO. CATF is comprised of more than 15 local canners who seek to play a role in shifting public perceptions of canning, the expansion of the bottle bill, and other issues that impact them.
- Organizations like Sure We Can, founded by canners in 2007, continue to help canners by reducing the social stigma associated with their work and raising awareness about the environmental and social benefits of canning. SWC collaborates with and learns from other waste picker groups around the world, including The Binner's Project in Vancouver and Victoria, Ground Score in Portland, Oregon, and Les Valoristes in Montreal.

#### What needs to be done?

Policy makers, community groups, business owners, and individuals need to:

- Hold producers (and not just consumers) accountable for their waste by pushing for EPR (extended producer responsibility) legislation. The NYS bottle bill reduces the economic burden on municipalities for collecting, sorting, and processing recyclable materials because it ensures that single-use containers are returned to the manufacturer for reprocessing. But it needs to be expanded to include increased deposits, more types of single-use containers and higher sorting fees (the current sorting fee is only 3.5 centers per container).
- Support canner-led redemption centers by advocating
  for public funding to support these enterprises. Such
  centers will not only help achieve zero-waste and
  sustainability goals, but also provide formal
  employment for canners, a safe place to do the work
  of sorting and redemption, and a community space for
  education and advocacy.
- Decriminalize canning and and invest in grassroots waste management strategies through the creation of formal partnerships between waste picker groups, companies, and municipal governments (Gutberlet et al 2018). Canners have critical knowledge about discard habits and can play a role in designing innovative strategies for improving diversion rates and capturing renewable resources (Talbott 2019; Azevedo et al 2018).
- 4. Improve workplace safety for canners by ensuring clean and safe access to recyclable materials. Residents can separate deposit-based materials for canners to collect, and building and business owners can contract local canners for sorting and microhauling services.

The Author: This informational pamphlet was prepared by Dr. Christine Hegel (Associate Professor of Anthropology, WCSU), modeled on Snapshot Research by Jutta Gutberlet. It synthesizes current published research and ongoing qualitative research on canners in NYC in collaboration with the non-profit organization Sure We Can. It is intended to educate the public on the important benefits of canning as an environmental service and to highlight the dignity and value of those who perform this service.

#### Resources

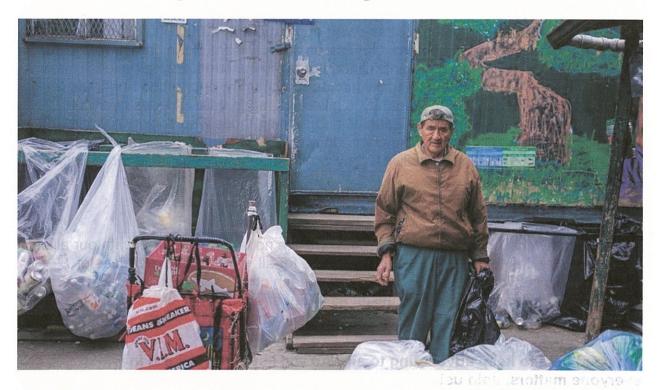
Azavedo, Adalbert M.M. de, et al. (2018). Inclusive waste governance and grassroots innovations for social, environmental, and economic change. WIEGO Report. Cass Talbott, Taylor. (October, 2019). A green army is ready to keep plastic waste out of the ocean. *Scientific American*.

Edwards, Sarah et al. (2018). Employment and Economic Impact of Container Deposits. Eunomia Report. Gutberlet, Jutta. et al. (2018). Task group: informal recycling. International Waste Working Group Report. Winchester, Margaret et al. (2019). The health and health care access of canners in New York City. (under review, *Journal of Urban Health*)

**Keywords:** Poverty, homelessness, canning, waste-picking, recycling, renewable resources.



# Stop the eviction of New York's only non-profit redemption center!



Sure We Can started this petition to Mayor Bill de Blasio and 5 others

Our world is threatened: our landlord has asked us to leave our space by April 30!

<u>Sure We Can</u> is a community space, sustainability hub, and redemption center located in Bushwick, Brooklyn. At our site, canners, or those who collect and redeem bottles and cans to earn a living, come together with artists, students, and neighbors to envision a better world, expressed through recycling, gardening, composting, and art. SWC goes beyond livelihood support by building community, providing dignity, and by forging alliances of advocacy at local, national, and global levels. We need help to stay on the land on which we have grown, and be free from the shadow of eviction!

### Sure We Can is a unique place, dedicated to supporting those who are most vulnerable or left behind.

For over 10 years. Sure We Can has served the community of canners, most of whom belong to extremely marginalized groups such as immigrants and those experiencing homelessness or mental illness, and today it has evolved into a community center that promotes a sustainable urban culture and facilitates a circular economy. As New York's only non-profit redemption center, Sure We Can proudly supports canner culture, and all informal, just, and compassionate economies.

### We are a vital and irreplaceable part of the Bushwick community, and our removal would be felt on many levels.

Every month, our redemption activities divert approximately 1,000,000 bottles and cans from New York City's waste stream. Our bottles and cans are clean, intact, and wellsorted, which vastly increases their likelihood of being constructively recycled. This work also distributes over \$650,000 annually into our community, supporting hundreds of local informal recyclers. Our community is growing, and to date includes over 700 canners! Removal from our site means us abandoning those who society has already left behind, and even forgotten. Our community members work on foot, and many are elderly or are experiencing disabilities; they won't be able to follow us to a new location.

### We will do everything we can to keep our community intact!

We face many challenges, and yet we know we are not alone. Together with our allies we work every day to create a welcoming space for all, which nurtures values of conscientious stewardship of our planet and of each other. Without a space, these are only wonderful ideas. We need to muster all of our effort, and call on all of our friends, to remain where we are, in the neighborhood which is our home, where we belong.

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We need help to keep advocating to all who will listen for a world in which everyone matters. Join us!

@surewecannvc en kan dia kanang kan ang manang manan



475 Riverside Drive, 13th Floor New York, NY 10115 Phone: 212 870 2080 www.bike.nyc

### March 4, 2020 testimony: NYC City Council Sanitation Committee preliminary budget hearing

Jon Orcutt, Bike New York advocacy director

### **Key points**

- Major Sanitation operations street sweeping and snow plowing fundamentally compromise bike lane design in New York.
- Sanitation's truck-sized street sweepers and snowplows require DOT street designers to make protected bike lanes and attached buffer strips so wide (11 feet minimum) that they become irresistible parking zones for trucks and cars
- Other cities do a better job aligning street operations and new street designs. Chicago, Denver, Salt Lake City, and Boston all realized they would need new street-cleaning equipment when they began to develop protected bike lanes. As a result, they have better, safer bike lane designs than New York.
- We won't have a bike-friendly NYC with only part of city government working toward that goal

As the Committee Chair knows from experience with the Grand Street bike lane in his Council district, the city today is creating the paradox of bike lanes that are often unusable for bike riders because they are...too wide.

If that sounds absurd, consider that if you build a bike lane in New York wide enough to drive a truck through, a lot of trucks (and plenty of cars) will drive through it. And of course they will park in it.

The hidden culprit in this problem is not the bike-lane-building Department of Transportation. Instead, it's the Sanitation Department.

That's because key Sanitation operations — street sweeping and snow plowing — fundamentally compromise bike lane design in New York.

Sanitation's huge street sweepers and snowplows require DOT street designers to make protected bike lanes and attached buffer strips so wide (11 feet minimum)

that they become irresistible parking zones for the delivery trucks multiplying like rabbits in every part of town.

The Grand Street bike lane in Williamsburg is a case in point: It was installed in late 2018, and directly connects the Williamsburg Bridge bike path with Brooklyn neighborhoods full of people getting around on bikes. A Williamsburg resident was killed while biking on Grand St. in 2016, and many more have been injured while riding there before and since.

But many cyclists felt the street was less safe after the bike lane was implemented, because it was full of trucks and cars from day one. Even after DOT installed better protective barriers along Grand Street in January, the bike lane is still a failure - constantly blocked by cars and trucks. All because DOT is forced to make bike lanes wide enough to accommodate Sanitation's truck-sized street sweepers, and that makes it easy for any vehicle to drive into the lane.

A lane only six or seven feet wide on Grand St. would in fact work great for people on bikes.

Transportation officials have raised this issue with Sanitation officials for years, but Sanitation has never made a commitment to buy smaller street sweepers.

Smaller equipment exists and can be obtained by city government, just like the large ones the Sanitation Department replaces on a regular cycle. The Housing Authority uses them for pedestrian paths. The Hudson River Park Trust has them for the West Side bikeway. DOT has a few for sweeping snow from bridge walkways.

But Sanitation has the main responsibility for sweeping and plowing the city's vast street network. Its lack of smaller equipment is at cross-purposes with DOT's work to build a safe bike network and City Hall's Vision Zero traffic safety policy.

Other cities do a better job aligning street operations and new street designs. Chicago, Denver, Salt Lake City, and Boston all realized they would need new street-cleaning equipment when they began to develop protected bike lanes. As a result, they have better, safer bike lane designs than New York.

Meanwhile, a Hunter College study released in December provided data to support what every New York City bike rider already knows: Even protected bike lanes are obstructed by cars and trucks at least once every 10 blocks.

If we're going to build bike lanes in New York, let's do it right. That's not happening today, and the fact that different de Blasio administration agencies are not pulling together on public safety is a big reason why.

## Bike lanes you can drive a truck through

t's a paradox on city streets. The de Blasio administration is creating bike lanes that are often unusable for bike riders because they are...too wide.

That probably sounds absurd. But think about it: If you build a bike lane in New York wide enough to drive a truck through, sure enough, trucks (and plenty of cars) will drive through of town. it. And of course they will park in it.

Cyclists and their advocates are used to hollering at Mayor de Blasio for not making streets safe enough; a record number of bike riders were killed on city streets in 2019. And we regularly complain to the city's Department of Transportation about the need for more and better bike lanes.

But there's a hidden culprit in the city's problem with bike lane design the Sanitation Department.

Why Sanitation, the agency that since. primarily picks up trash and recycling?

Because key Sanitation operations - street sweeping and snow plowing - fundamentally compromise bike lane design in New York. Sanitation's huge street sweepers and snowplows require DOT street designers to make

### **BE OUR GUEST**

BY JON ORCUTT

protected bike lanes and attached buffer strips so wide (11 feet minimum) that they become irresistible parking zones for the delivery trucks multiplying like rabbits in every part

Case in point: In late 2018, city government laid down a new protected bike lane along Grand St., one of Williamsburg's main east-west thoroughfares. It made sense - the street directly connects the Williamsburg Bridge bike path with Brooklyn neighborhoods full of people getting around on bikes. A Williamsburg resident was killed while biking on Grand St. in 2016, and many more have been injured while riding there before and

But many cyclists felt the street was less safe after the bike lane was implemented, because it was full of trucks and cars from day one. Riders complained that the "protection" consisted of a sparse set of flimsy plastic posts easy for drivers to run over or

ary by installing much more robust barriers along the problem parts of Grand. Cycling groups initially applauded. But the change hasn't done policy. the job. The bike lane is defined by fancy, heavy-duty protection, but is still full of trucks. All because DOT is forced to make bike lanes wide enough to accommodate Sanitation's truck-sized street sweepers. A lane only six or seven feet wide on Grand St. would in fact work great for people on bikes.

Transportation officials have quietly raised this issue with Sanitation officials for years, but Sanitation has never gotten off the dime to buy smaller street sweepers.

industry makes plenty of street blocks. cleaning vehicles that are right-sized for bike-friendly cities. The city's Housing Authority uses them for pedestrian paths. The Hudson River Park Trust has them for the West Side bikeway. DOT has a few for sweeping snow from bridge walkways.

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DOT finally responded this Janu- willingness to obtain smaller equipment is at cross-purposes with DOT's work to build a safe bike network and City Hall's Vision Zero traffic safety

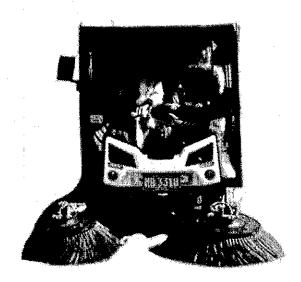
> Other cities do a better job aligning street operations and new street designs. Chicago, Denver, Salt Lake City, and, dare we say, Boston all realized they would need new street-cleaning equipment when they began to develop protected bike lanes. As a result, they have better, safer bike lane designs than New York.

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> Orcutt is advocacy director at Bike New York. He was policy director at the city Department of Transportation from 2007-2014.





# Downsized Street Maintenance Vehicles

### **CASE STUDIES**

As cities look to redesign their streets to provide more safe mobility and transportation options for their constituents, new maintenance and operations challenges and opportunities arise.

On streets with higher volumes of vehicular traffic or traffic speeds above 25mph, physical barriers are necessary to protect bike lanes. However, in many places there is insufficient street width to accommodate a conventional sized street sweeper or snow plow (typically 81'-102' wide). To address this issue, a number of North American cities have begun to deploy smaller vehicles to clear snow and debris from their protected bike lane networks.

Where used, cities have found that the smaller vehicles are effective for cleaning and plowing protected bike lanes, as well as sidewalks and multiuse paths and can supplement traditional vehicle capacity on narrow streets, parking lots, and garages. In addition, cities report operating cost savings and reduced emissions stemming from the greater fuel efficiency of smaller vehicles.

The following case studies explore downsized street sweeping and snow plow equipment currently in use in Boston, Salt Lake City, Cambridge, MA, and Chicago. These case studies are an addendum to the Optimizing Large Vehicles for Urban Environments reports produced by the U.S. DOT Volpe Center for NACTO in 2018.

### Downsized Street Maintenance Vehicles

## At-A-Glance

		Model	Width	Application(s)	Features
Boston		Ravo Sweeper	86.6-98.4 in	Sweeping: protected bike lanes	
		Avant Mini-loader	39.0-55.9 in	Sweeping + clearing snow: protected bike lanes, narrow streets, and alleys	Based on the 500 series
		Polaris ATV	62.5 in	Sweeping + clearing light snow: protected bike lanes	Different attachments, snow brush, brooms
		Ventrac Tractor	48.5 in	Snow clearing: weight-restricted bridges, parking lots and garages	Based on the 4500 series
		John Deere Skid Steer	62.9 in	Snow clearing: protected bike lanes	Based on the 312 GR without a bucket
		Trackless Tractors	50.5 in	Snow clearing: alleys	Based on the MT7
Salt Lake City		Kubota RTV-X1100	65.4 in	Snow clearing: protected bike lanes	
		Tennant ATLV 636	51-81 in	Sweeping: protected bike lanes	
Cambridge		Mathieu MC210	50.9 in; sweeping range 50.4-96.5 in	Sweeping: protected bike lanes	Width excluding mirrors; sweeping range up to 114.8 in with 3 <sup>rd</sup> optional brush
		Holder C992 & C270	C992: 51-65 in C270: 45-60 in	Snow clearing: protected bike lanes, pedestrian areas	Push and blow snow, salt spreading, dump bed on back
		Multihog	50-65 in	Sweeping, snow clearing, snow treating; pavement patching	Based on the MXC model
		Wacker Neuson	55.7 in	Snow plowing and salting	Articulated; Based on the WL32 Model
Chicago		Multihog	50-65 in	Sweeping, snow clearing, snow treating, clearing pedestrian areas of bridges over the river and protected bike lanes	Based on the MXC model



On the ground – and at the table

NYC-EJA Testimony for NYC Council Budget and Oversight Hearings on Preliminary Capital Budget for FY 2021-2024, The Preliminary Capital Commitment Plan for FY 2020-2024 and The Fiscal 2020 Preliminary Mayor's Management Report

March 4, 2020

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. The impacts of the solid waste system 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, COPD, and various cancers. We are here today to advocate for adjustments in City budget allocations for the upcoming fiscal years that we think would dramatically improve equity for environmental justice and frontline communities, and ensure the City's commitments to its stated goals.

#### **Investing in Staff for Overnight MTS Shifts**

Commercial refuse is collected at night and primarily dumped in private transfer stations in a handful of neighborhoods. The City's Marine Transfer Stations are more equitably distributed throughout the City, including some in Manhattan, and are not yet at capacity in accepting waste. Staffing the Marine Transfer stations at night would help to reduce burdens in the handful of communities overburdened by both truck traffic and private transfer stations, which are not currently adhering to City zoning laws (e.g. in Southeast Queens) – this would reduce the impacts of odors, leachate, dust, truck idling, and air pollution, and facilities that are not all fully enclosed. This would also allow more carters to use the MTS's under the upcoming change to a Commercial Waste Zone system.

Extended hours and staffing at MTS's can also help private carters to route trash away from private facilities that are currently enabled to evade City zoning laws by failing to meet strict zoning codes for facilities near residences.

### **Opening Gansevoort Marine Transfer Station**

In NYC's 2006 Solid Waste Management Plan, the City committed to allocating \$25 million to open the Gansevoort Marine Transfer Station, handling metals, glass, and plastics. This is supposed to be matched in kind by the state government through the signing of an MOU. It is 14 years later and the Marine

Transfer Station is still not open, which means that recyclables are still routed in large quantities to transfer facilities in overburdened neighborhoods.

#### Implementing Commercial Waste Zones Law: Trucks and Transfer Stations

The carters selected under the commercial waste zones law will be required to follow strict standards - we want to ensure that those who bid and receive contracts based on robust submissions, properly adhere to the laws. This includes: ending commingling of garbage and recycling; installation of electric vehicles, ensuring use of MTS's, investments in facilities improvements, and charging stations to motivate their transition to electric vehicles, among other things. Regarding the carting contracts with private transfer stations, we want to ensure that inspectors check and suspend work at transfer stations that do not have enclosed buildings and do not meet high performance standards as required by law, and do not award these bad actors extended, decade-long contracts under the commercial waste zone system.

### **Mandating Residential Organics Collection**

In the proposed fiscal year 2020 and 2021 budgets, funding for "Waste Prevention, Reuse, and Recycling" is reduced compared to previous years, despite our need to meet robust zero waste targets by 2030. Among many needed initiatives <sup>1</sup>, the City should make the necessary investments to mandate residential organics as promised years ago, as opposed to voluntary programs in a few privileged neighborhoods. There is a robust program of residents voluntarily bringing their waste to compost drop-off locations, showing that a mandatory program would be utilized, and would make our City's waste-management more on par with cities like Seattle and countries like Germany.

### Enabling Microhauler Organics Processing at DSNY-funded Facilities, while Opening More Organics Processing Facilities

Funding should be allocated within the budget to make investments that would enable zero- and low-waste micro-haulers to access DSNY-funded Organics Processing facilities such as BigReuse, Earth Matter, and Red Hook Composting Facility, as they have repeatedly requested. They have been enabled to scale up their organics collection under the forthcoming Commercial Waste Zones system, but within the same law they were disabled from tipping at privately run transfer stations. This begs the questions, how are micro-haulers going to be able to scale up their diversion of waste from landfills, and what measures is the City doing to support this goal? There is no more time to waste - we need organics processing capacity within the City. Additionally, the should reconsider DSNY's "Put or Pay" contracts that incentivize dumping higher rates of waste in incinerators or landfills, and put this money into well-run organics processing facilities.

Thank you for the opportunity to raise these concerns. We encourage the City to invest in the development of long-term waste reduction and waste equity plans, to reduce burdens unjustly faced in a handful of communities, and to better preserve our planet's limited resources.

<sup>&</sup>lt;sup>1</sup> Including divesting from single-use materials, excess packaging, and non-recyclable goods; and better food distribution and diversion from landfills and incinerators



Creatively working with youth to achieve zero-waste, climate smart school communities and a plastic free biosphere, teaching citizen science, civic action, arts & media

### Zero Waste/Climate Literacy for all PreK - 12 DOE Students

For the past 10 years, Cafeteria Culture has been asking, "How do we change behavior, incentivize school communities, while educating and engaging everyone on the unappealing topic of garbage?" We have been piloting new curriculum and new protocols, partnering with students, as well as teachers and school staff to design user-based solutions to achieve zero waste school communities.

It is time for New York City to change the narrative; change how we talk about, teach and engage students on garbage and recycling; and fund <u>innovative</u>, quality zero waste/climate literacy for all PreK- 12 DOE students!

### Our 1.1 million kids need hands-on, interdisciplinary curriculum that:

- Teaches the WHY with the HOW;
- Connects the issues of plastic pollution and food waste to our climate crisis;
- Merges civics with environmental science - using student collected data to inform policy!



### And provide students with opportunities to:

- take on school and community leadership roles;
- ♦ design the very solutions that will positively impact thier future, and
- take climate action right in their own school building on a daily basis!

I urge this committee and NYCC to triple the investment in environmental education and to ensure funds are dedicated to the development and support of *innovative*, zero waste/climate education.

You don't need to imagine what this looks like. Cafeteria Culture documented two consecutive years of high quality environmental education in a red Hook, Brooklyn school that serves a high population of student living in public housing and is located on the front line of climate change. We produced this film to help educators and policy makers alike envision the success of quality climate education.

Please let me know if we can co-host a screening of MICROPLASTIC MADNESS for City Council members and staff.



See the trailer and learn more at www.microplasticmadness.org.

Thank you, Debby Lee Cohen

### MicroplasticMadness.org

- a movie and impact campaign for a plastic free future Youtube: CafCu Media twitter @cafeteriacu Instagram: @CafCu



Creatively working with youth to achieve zero-waste, climate smart school communities and a plastic free biosphere, teaching citizen science, civic action, arts & media

### **Cafeteria Culture Testimony**

### New York City Council (NYCC) Committee on Sanitation and Solid Waste Preliminary Budget Hearing, March 4. 2020

Good afternoon, Chair Reynoso and Council Members on the Committee of Sanitation.

I am Debby Lee Cohen, Executive Director and Founder of Cafeteria Culture, and Co-Director/Producer of MICROPLASTIC MADNESS - the movie, testifying with regard to the Department of Sanitation (DSNY) FY21 preliminary budget.

Cafeteria Culture (CafCu, founded as Styrofoam Out of Schools) works with youth to creatively achieve zero waste/ climate smart schools communities and a plastic free biosphere. We teach innovative environmental education that fosters youth-led solutions by merging citizen science, civic action. video production and the arts. Students in our programs, overwhelmingly from lower income communities of color and living in public housing, are providing an urgently needed voice to our City's plastic free and climate movement. By partnering with School Food Directors and students, we catalyzed the complete elimination of styrofoam trays from New York City (NYC) schools. Now, using our award winning documentary, MICROPLASTIC MADNESS, as a springboard for youth action, we are working to rid NYC school cafeterias of the remaining single-use plastics!

#### How do we achieve our Zero Waste Goals?

As a parent, educator, and Stage IV cancer patient, I'm deeply troubled by our city's shamefully low recycling rate, hovering below 20% for years, and our unacceptable 12,000 tons of residential and home garbage generated each day, then exported to landfills and incinerators out of the city, spewing greenhouse gas (GHG) emissions and negatively impacting communities all along the way.

### Eliminate the rest of the Single-use Plastics

Cafeteria Culture, and the students in our programs applaud the actions of this committee and City Council for enacting the bans on plastic bags and expanded polystyrene, which our students debated, then collected local data, led community outreach, and advocated for. I urge you and the Speaker to bring the plastic straw ban bill to the floor for a vote and to push forward on the other single-use plastic and reusable bills to protect the health of our waters, wildlife, and ALL NYC communities.



#### **Expand the Organics Collection Program to all Schools**

Cafeteria Culture is also thrilled to witness an organics collection program that includes roughly half of our public schools. But roughly half of our 1.1 million students students are still waiting! I urge the Council to to ensure the necessary funding for an accelerated expansion of organics collection that services all 1,800 public schools and ALL of our 1.1. million students. This should be framed as an opportunity for daily climate education and action right in the cafeteria.

### Provide NYCHA communities with the Resources to Achieve Zero Waste

It is time to invest in zero waste infrastructure, education and engagement in our NYCHA communities. We cannot we expect students who live in public housing to embrace a zero waste culture at school, then return home to the most inefficient recycling infrastructure at home.



Testimony of Julie Tighe, President of the New York League of Conservation Voters, Before the New York City Council Committee on Sanitation Preliminary Budget Hearing on Sanitation & Solid Waste Management

### March 4, 2019

Good afternoon. The New York League of Conservation Voters (NYLCV) represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. NYLCV would like to thank Chair Reynoso and members of the Sanitation Committee for the opportunity to testify here today.

NYLCV supports a Fiscal Year 2021 City budget that secures progress on many of the environmental, transportation, and public health priorities Mayor de Blasio has committed to in OneNYC and beyond. Our city is staring down a crisis of existential importance, and it is incumbent upon our elected leaders to invest our tax dollars in climate action and solutions.

Last year, the City made substantial progress on its sanitation-related climate goals, including passage of the commercial waste zone law and a fee on paper bags to accompany the State's long-overdue ban on plastic bags. However, the City is not on track to meet its Zero Waste goal of reducing the amount of waste we send to landfills by 90% by 2030. According to the 2020 Preliminary Mayor's Management Report, the curbside and containerized recycling diversion rate was only 18.1% in FY19, an increase of just one tenth of a percentage point from FY18.

Achieving Zero Waste will require financial commitments from the City in this and future budgets.

First, the organic waste collection program needs to be extended citywide and, after a suitable period of public education, made mandatory. Diverting organic waste from landfills is perhaps the most critical component of Zero Waste, as organics represents 31% of the residential waste stream and release significant quantities of methane when disposed of in landfills. Methane is 86 times more potent than carbon dioxide and is therefore critically important in the fight against climate change. That's why we were thrilled when the Mayor announced that he would be advancing a mandatory organics waste collection program. However, to date, no such legislation has been proposed.

Citywide organic waste collection will require new brown bins, new outreach coordinators at the Department of Sanitation, and potentially new sanitation trucks that are suitable for handling

organic waste. Furthermore, organic waste recycling facilities will have to be identified and contracted with. Unfortunately, instead of moving forward with these necessary actions the City has paused the residential organics program and has given no indication of when it will resume. While we are pleased that the City is proposing to spend \$19 million to expand its composting facility on Staten Island, this is only a small step forward in developing a truly citywide organics recycling system. The failure to budget for citywide expansion of the organics collection program does not bode well for our chances of achieving Zero Waste.

Second, we need to boost our recycling rates for metal, glass, and plastic (MGP) and paper. There are two strategies that the City needs to pursue to increase recycling of these materials. The first is to ensure NYCHA residents have access to recycling. According to a recent report in Politico¹, only 1.5% of MGP materials in NYCHA developments are recycled, cardboard is only recycled at nine housing developments, textile recycling is only available at five developments, and organic waste recycling is only available at six developments. This is not acceptable. NYCHA is home to approximately 5% of all New Yorkers - putting aside the fact that we will not achieve Zero Waste unless NYCHA residents have the same access to recycling as everyone else, the City has a responsibility as a landlord to provide NYCHA residents with the same quality of services that it rightfully demands of private landlords.

The second way to boost MGP and paper recycling is to ensure that New Yorkers who live in private residences understand what materials are and are not recyclable and fully participate in the recycling program. This outreach should inform New Yorkers of the programs available and teach them how to properly sort recyclables and organics, but solely focusing on the *what* and *how* is not enough. The campaign should explain *why* these changes are necessary, and make a direct connection to climate change and the City's sustainability goals.

In addition to traditional marketing, the City should expand its targeted outreach. In particular, maintenance staff in large buildings should be seen as key ambassadors to the City's zero waste goals. Sustainability training for this sector could have an exponential impact on diversion rates. Child and youth engagement is also important. The earlier we can instill the importance of eco-friendly behaviors, the more likely they are to carry into adulthood. The City should continue to expand its educational programs in schools and encourage better source separation in cafeterias, particularly of organic waste, where contamination rates in schools are often so high that the material needs to be landfilled.

We believe the Department of Sanitation under Commissioner Garcia's leadership is well equipped to advance all of these proposals if properly funded. I would like to thank Chair Reynoso and the entire Committee on Sanitation and Solid Waste Management for your leadership, and I look forward to working with you all to secure more funding in the FY21 budget for Zero Waste initiatives.

<sup>1</sup> 



### TESTIMONY OF THE MANHATTAN SOLID WASTE ADVISORY BOARD City Council Committee on Sanitation and Solid Waste Management Preliminary Budget Hearing Wednesday, March 4, 2020

Policy statements tell a story, but budgets tell the real story. Budgets are often the best determinants of the City's real policy direction now and in the future. This is particularly true as we consider through the lens of the Department of Sanitation's FY 2021 Fiscal Budget the City's stated policy toward Zero Waste to landfill and incineration, a goal once set for 2030 and recently rescheduled for 2050.

The City, over three decades, has stated goals of increasing recycling rates for metal, glass, plastic and paper, within the last decade establishing and increasing participation in an organics-diversion program. Policy has been relatively consistent across five mayoral administrations over a roughly thirty-year period.

In 1989, when mandatory recycling was first introduced through Local Law 19, the hope was to achieve a 25 percent diversion in just five years.

In 2013, then Mayor Michael Bloomberg, in his NYC Plan 2013, announced, "Over the past two years, we have made remarkable progress toward achieving our goal to divert 75 percent of the city's solid waste from landfills by 2030."

In April of 2015, Mayor Bill de Blasio set the goal to "reduce waste disposal by 90 percent in 2030, compared with 2005 levels, and direct no waste at all to landfills by the same year." Most recently, some of those ambitious targets were pushed back to 2050.

And yet here we are in 2020, and as we contemplate our FY 2021 budget for the DSNY, recycling rates have remained stalled at 18 percent, and organics-recovery rates are currently under 6 percent. We now face another decade where the City will likely be sending nearly 80 percent of our waste, much of which should be recycled or composted, to landfill or incineration.

And, in fact, the Department of Sanction's FY 2021 budget indicates an anticipated marginal increase in waste export to landfill and incineration of two percent over the FY 2020

amount, to \$420,661,000 in FY 2021. These waste-export costs are set based on 20—30-year or longer contracts. From the perspective of the budget, the actual policy, as executed, has been relatively consistent as well, as spending in this area of the Department's budget has increased steadily year over year, from \$316,133,000 in FY 2015.

These are profound disconnects between the policy story and the budget reality. But these disconnects obscure another very important aspect of the City's real progress, the progress the City and the Department of Sanitation have made in building out a robust infrastructure to support meaningful recycling and organics diversion in our City. Nor should we be discouraged from pursuing the goals of zero waste to landfill and incineration n by a certain date. But we should be encouraged to take bold action now to fully employ our recycling and organics diversion infrastructure.

The membership of the Manhattan Solid Waste Advisory Board therefore recommends the following actions be taken as we consider the Department of Sanitation's FY 2021 Budget:

**First**, we encourage the Department and this Committee to consider re-funding and then conducting a Save As You Throw study. As we testified in March 2017, the greatest decrease in the City's waste tonnage will likely be achieved by using financial incentives to encourage behavior change. The U.S. EPA has for decades considered "Save as You Throw" - which encourages residents to save money by producing less refuse - to be one of the most effective methods for increasing diversion rates and reducing overall waste generation. Save as You Throw is included in the New York State Long Range Plan, Beyond Waste.

Today, three years later, before this very same committee we point out that a Save as You Throw study is still needed, and as of yet has not been conducted. The City Council and the Department of Sanitation in providing funding for and conducting this study are not making a commitment to the implementation of a Save As You Through program, but simply a commitment to determining whether a SAYT program would be feasible in New York City. The study should be conducted.

**Second**, continue to expand the availability of organics collection from the current 3.5 million New York City residents to all residents. In addition, put the program on a path to becoming mandatory.

The single most simplest and cost-effective action to reach Zero Waste and to reduce greenhouse-gas emissions is to divert organic waste from the landfill. Food waste that decomposes in landfills releases methane - a greenhouse gas that is at least 25 times more potent than carbon dioxide.

One third of NYC residential waste consists of food. One hundred percent of food waste is usable as compost, fuel for energy, or feed. There will always be a food supply and fuel demand market, with food waste-to-energy and compost benefits that far outweigh any costs.

As we saw, 2019 was the second-warmest year on record, and combined land and ocean temperatures increased at an average rate that was twice as great over the last 40 years than in the century prior, we can no longer wait for programs that require 5, 10, 30-year rollout plans to reduce our greenhouse gas emissions.

Needed instead is a committed short-term budgetary investment of one to two years in smart, effective solutions that will result in the largest impacts in the shortest time with a comparatively small budget in long-term education and enforcement in the redirection of food waste/excess.

The rollout of Citywide collection of organics by the Department of Sanitation and a mandatory program enacted through legislation is only half the solution when it comes to the organics-waste stream. The remaining half of the solution is what to do with that waste stream once it has been collected, and that requires further development. Back-end processing capacity needs development in and around the City of New York. In addition, viable uses for organics include the production of compost and renewable natural gas.

Already, some municipalities have converted part of their waste-truck fleet into organics-pickup trucks to meet the organic waste pickup demands. Toronto just moved to a closed-loop system, by powering its entire sanitation truck fleet with renewable natural gas produced from the diverted organic waste and food scraps. We must do better.

**Third**, we support additional budgetary support of outreach and education efforts. When outreach and education are combined with incentives like Save As You Throw, a greater recycling-participation rate is achieved compared with outreach and education or Save As You Throw enacted separately.

However, in the absence of an effective incentives program like Save as You Throw, education and outreach, when well-designed and implemented, can still be effective in increasing New York City residents' awareness of the importance of recycling and organics diversion and how to participate in these programs. New York City residents should be made aware of the City's paper and cardboard recycling capabilities, the materials-recovery facilities for metal, glass and plastics, the City's ability to produce biogas from organics, and efforts to reduce food waste through the donate NYC food portal.

Currently, the outreach and education efforts are found in several locations in the budget. The policy reality that these sections of the budget tell indicate that we should place a more coherent effort on outreach and education. The funding for the Department's Bureau of Recycling and Sustainability has been marginally decreased or held flat year over year since 2017, as has the Contract Budget, which also contains some of budgetary allocations for outreach and education, and finally, the Department's budget allocation for Public Information was in 2015 \$1.3 million, and has been around \$2.3 million ever since.

Finally, and in closing, the aspirational policy story and the actual story, as implemented by the Department of Sanitation budgets FY 2015 to FY 2020, and now as we consider the FY 2021 budget, tell us an important story. We should focus on aligning the two, the policy

with budgetary focus and effort, to allow the Department of Sanitation to help us achieve our city goals as designed.

Sincerely,

Matthew M. Civello, Chair

Mush

For the The Manhattan Solid Waste Advisory Board

Cc: Gale Brewer, Manhattan Borough President

The Manhattan Solid Waste Advisory Board (MSWAB) is a non-profit, non-governmental organization dedicated to helping NYC achieve its zero waste goals. We advise the Manhattan Borough President, City Council and City Administration 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, representing individuals and organizations located in Manhattan. We hold monthly meetings, provide information online, and have a number of active committees, all of which are open to the public.

#### March 4, 2020

Dear Council Member Reynoso and Members of the Committee on Sanitation and Solid Waste,

At a Brooklyn SWAB event on January 27th, 2020, Council Member Reynoso said "Justice should not have a price tag on it." The Coalition for Progressive Waste Management Reform, a coalition of members of the three SWABs, academics, and community-based and non-profit organizations, formed that evening energized by that statement. We are now here to make the case for a significant realignment of resources; financial and otherwise, to further environmental justice, advance progressive waste management reform, and pursue true waste equity beyond the measures called for in the Waste Equity Bil (Int. 0157-2018) and the Commercial Waste Zoning Bill (Int. 1574-2019). In its most complete expression, Waste Equity would be an application of principles of the Public Trust Doctrine to Sanitation and Solid Waste.

The Coalition recognizes the Council's commitment to reducing greenhouse gas emissions by 2050 (Int. 1253-2018), advancing the Climate Mobilization Act and, as a response to mass protests less than a year ago, declaring a Climate Emergency (Res. 0864-2019). We also recognize Council Members Rivera's and Constantinides' efforts on resolutions calling on Congress to pass and the President to sign the *Green New Deal* into law, but this coalition believes that the longer we wait on the Federal government, the less time we have to achieve 0X30, as outlined in *OneNYC*.

Meanwhile, the recycling rate hovers at around 17%, or about half the national estimated average, while the curbside organics program (with a coverage of less than 10% of NYC and participation rate of less than 10% of the coverage area) has stalled indefinitely.

Meanwhile, community-scale composting, which places both built and social infrastructure within communities to promulgate organics recycling, has been defunded or entirely unfunded. The largest community composting site in the U.S. to run entirely on renewable energy is right here in NYC, and yet its founder, **David Buckle**, is no longer with us, in large part due to death by a thousand cuts (and slights).

Meanwhile, informal waste management sector workers (i.e. canners), often our undocumented and most destitute, operate in a grey area<sup>1</sup>. At best, they receive no official recognition for the dual value they add to society (*writ large*) by extracting redeemables from a co-mingled waste stream *and* the potential of real-time outreach and education they represent<sup>2</sup>; at worst, they are persecuted outright. What kind of a vision of social justice is that? With so much human potential these workers represent, in practice, the seeds of what a vision for waste equity can look like. This should be treated with value. Added value, not to be squandered.

Meanwhile, waste inequity is perpetuated by a lack of investment in NYCHA housing, a veritable city within a city; investment to provide training and empower tenant associations to enter into revenue-sharing partnerships with the City tied to recycling performance. What is preventing us from scaling the worker-owned models that *Green City Force* and *Inner City Green Team* have implemented? What prevents us from applying those same revenue-sharing

<sup>&</sup>lt;sup>1</sup> The coalition requests this committee to pursue a resolution recognizing the rights and dignity of workers in the informal waste sector, and their contribution to the city.

<sup>&</sup>lt;sup>2</sup> There are as many as 10,000 canners in NYC, and their activity generates millions of dollars that are then reinvested in the local community.

Testimony to the Committee on Sanitation and Solid Waste - Preliminary Budget Hearing FY2020 partnerships, tied to recycling performance, with community boards across the city, offering bonuses or multipliers for participatory budgeting?<sup>3</sup>

Meanwhile, DSNY, for all its virtues, claims to employ a one-size-fits-all model so as to provide uniform service, while bemoaning challenges presented by the variability of housing stock<sup>4</sup> which makes a one-size-fits-all approach inadequate. And does DSNY offer uniform service across the city? NYCHA residents might beg to differ and have, in fact, gone to court over the issue. Expecting a one-size-fits-all approach to work for everyone in the world's most diverse city seems like a case of cognitive dissonance, at best.

Meanwhile, our waste management remains less democratic than ever: The City, citing the exigency of externalizing waste, enters into contracts with corporations that contain language to the exclusion of ad-hoc and community-based organizations, organizations that would otherwise be playing a meaningful role in waste management; these contracts instead favor corporations that are subject to highly volatile commodities markets<sup>5</sup> (or entire countries, like China, refusing to accept our so-called recyclables any longer). These corporations cannot, by design, operate with environmental justice as their ultimate priority, as environmental justice is not as salient to those corporations as it is to frontline communities. While there has been a recent surge in recycling infrastructure investment in the U.S. to sort and refine co-mingled recycling, time will tell whether these facilities ultimately succeed<sup>6</sup>. More importantly, however, is the question of what role the City can play in the global circular economy and how the City's residents can not only participate but benefit with community reinvestment.

Meanwhile, the commercial sector -- from Amazon and Whole Foods to your neighborhood dry cleaner and wine store -- have realized that using a fossil-fuel burning vehicle isn't nearly as efficient as a cargo bicycle, and that a hub and spoke system, rather than a centralized model of distribution, makes more sense. At the same time, the Teamsters Local 831 balks at efficiency measures such as GPS for route optimization, while collection workers have little time or opportunity to engage with the public on their routes. That stated, this coalition recognizes and appreciates the value and necessity of collective bargaining and rights for the working class. The coalition wants to work with the labor movement to expand creation unionized opportunities in this sector of the market. We will actively oppose and argue vehemently against attempts that lead to the "Uber-ification" of trash, a gig economy approach

<sup>&</sup>lt;sup>3</sup> This coalition proposes that every community district and coterminal sanitation district site at least one drop-off center, or Civic Waste Resource Center. This furthers that spirit of the Waste Equity Bill by placing not only distributing MRF's and Transfer Stations more equitably, but creating centers for civil discourse and direct participation in waste management, thus enhancing the agency and increasing participation. Pratt Institute has created a project proposal for a Civic Waste Resource Center for the Brooklyn-based non-profit *Sure We Can*.

<sup>&</sup>lt;sup>4</sup> It could also be argued that household size, household income, educational attainment, and perhaps, most definitively, tenure (the amount of time spent in one neighborhood or community), in addition to cultural and ethnic conventions, are influential factors that affect variability in discard practices.

<sup>&</sup>lt;sup>5</sup> As an example of volatility: It was less than 10 years ago that then Mayor Michael Bloomberg reinstated the curbside recycling program, after having cancelled it for two years.

<sup>&</sup>lt;sup>6</sup> These facilities are often invested in by Chinese corporations to refine materials in the secondary materials market, prior to shipping refined materials back to China, to manufacture new goods. The recycling efforts are thus, tied to a symbiotic (or at least cooperative) relationship between the US and China, based on consumerism, and thus on an exploitative economy. The processed conducted at these facilities could be decentralized at the municipal level, so that pre-sorted and partially refined materials could enter a materials exchange that is, ideally, owned by the public.

Testimony to the Committee on Sanitation and Solid Waste - Preliminary Budget Hearing FY2020 we view as a race to the bottom, further divorcing New Yorkers from their relationship to their discards.

We recognize, however, that there are untapped technologies, such as a blockchain-based carbon credit exchange tied to recycling performance, that could improve the resource recovery landscape<sup>7</sup>. A blockchain-based carbon credit exchange tied to recycling performance, where the onus of participation is shifted from individual decision<sup>8</sup> to community benefits (by, for example, tying recycling performance to participatory budget bonuses or multipliers, or funding for civic waste resource centers). The City, in turn, would realize greater carbon reduction (and, thus, harm reduction) and be better equipped to meet its carbon reduction commitments and zero-waste goals.

Meanwhile, communities in Upstate NY, NJ, VA, OH, SC (and so on) are sick and tired of our garbage (both figuratively speaking and quite literally). Do we want to invest in a future economy spent on exporting, landfilling, incineration, and the exploitation economy or invest in local health, jobs, justice and the solidarity economy?

We think it's time we got our act together. We think it is time we change course to effect a new reality of respectful resource use and dignified labor within the field. We call on our elected officials to commit adequate resources to address this critical challenge.

Respectfully Submitted on behalf of the Coalition for Progressive Waste Management Reform,

Stephanos Koullias

empowerment.

### **Coalition for Progressive Waste Management Reform**

Ana de Luco, Sure We Can
Chris Hartmann, Sure We Can, Public Health at SUNY
gil lopez, Flux Factory, Queens SWAB
Lurdes Rubio Gomez, Sure We Can
Matthew Civello, Manhattan SWAB (chair)
Rebecca Lurie, Urban & Labor Studies at CUNY
Rhonda Keyser, Brooklyn SWAB, Cafeteria Culture, Sure We Can
Ryan Castalia, Sure We Can
Tina Pastore, Sure We Can, UN
Wylie Goodman, Queens SWAB (co-chair)

<sup>&</sup>lt;sup>7</sup> So long as the benefits accrued for the municipality by crowdsourcing waste management are then realized by the communities most active in waste management efforts. N.B. Activity is preceded by

<sup>&</sup>lt;sup>8</sup> DSNY influences individual decision-making through traditional Outreach & Education campaigns such as subway ads, pamphlets, and voluntary trainings, movie screenings and happy hours (i.e. DSNY's *Make Compost, Not Trash* campaign). Other points of influence are summonses and fines, but the department is bearish on issuing these. The literature shows that traditional outreach & education does not make a statistically significant impact on individual decision-making; that built infrastructure creates path determinant behavior; and that reinvestment in cultural and social capital has the greatest impact on individual and household decision-making in discard practices.

### Testimony to the Committee on Sanitation and Solid Waste - Preliminary Budget Hearing FY2020

### CC:

Justin L. Brannan

Fernando Cabrera

Margaret S. Chin

Andrew Cohen

Costa G. Constantinides

Chaim M. Deutsch

Committee on Sanitation and Solid Waste

Daniel Dromm, chair

Committee on Finance

Corey Johnson, speaker

**NYC Council** 

David Bragdon, Director

Office of Long-Term Planning and Sustainability

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Committee on Environmental Conservation. NY State Assembly

Todd Kaminsky, chair

Committee on Environmental Conservation, NY State Senate

Julia Salazar, chair

Committee on Women's Health, NY State Senate

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Melissa lachan

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Lisbeth Sheperd

**Green City Force** 



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