

In Re Public Hearing Residential Collection of Designated
Recyclable Materials to Require Source Separation of Organic
Waste

August 10, 2023

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2 REMOTE PUBLIC HEARING

3 DSNY IS PROPOSING TO AMEND ITS RULES REGARDING THE

4 RESIDENTIAL COLLECTION OF DESIGNATED RECYCLABLE

5 MATERIALS TO REQUIRE THE SOURCE SEPARATION OF

6 ORGANIC WASTE

7 -----X

8 Held Remotely
9 Webex Video Conference

10 DATE: August 10, 2023
11 TIME: 10:05 a.m.

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12

13 REMOTE PUBLIC HEARING in the
14 above-referenced matter, held via videoconference at
15 the above time, before Sabrina Brown Stewart, a
16 Notary Public of the State of New York.

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1 A P P E A R A N C E S:

2 JESSICA STEINBERG ALBIN - Senior Counsel Bureau of
3 Legal Affairs, DSNY

4

5 S P E A K E R S:

6 Council Member Shahana Hanif

7 Christine Datz Romero

8 Rhonda Kaiser

9 Eric Goldstein

10 Samantha McBride

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1 MS. STEINBERG ALBIN: Good morning and
2 welcome. My name is Jessica Steinberg Albin.
3 I am Senior Counsel in the Bureau of Legal
4 Affairs for the Department of Sanitation,
5 DSNY. Thank you for attending this public
6 hearing this morning.

7 DSNY is conducting this remote hearing
8 in accordance with the requirements of the
9 City Administrative Procedure Act. The
10 purpose of this hearing is to receive
11 comments from the public on DSNY's proposed
12 rule regarding the residential --

13 (Disruptive noise).

14 MS. STEINBERG ALBIN: If everyone could
15 mute. Thank you.

16 Regarding the residential collection of
17 designated recyclable materials to require
18 the source separation of organic waste.

19 This rules was published by DSNY in the
20 City Record on July 10, 2023, with a
21 scheduled hearing date of today, August 10,
22 2023. Additionally, DSNY e-mailed copies of
23 the rule to all New York City local elected
24 officials, the City's fifty-nine community
25 boards, media and interested parties, and

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1 published the proposed rule on its website.

2 Intro Number 244-A of 2023, which
3 became law on July 8, 2023, or Local Law 85
4 of 2023, requires the Department of
5 Sanitation to establish a mandatory citywide
6 organics collection program. This program
7 will make the source separation of
8 residential organic waste in the City of
9 New York mandatory.

10 The law requires DSNY to implement the
11 mandatory organics collection program in 30
12 residential sanitation districts by
13 October 2, 2023, and all remaining sanitation
14 districts by October 7, 2024. This proposed
15 rule designates such sanitation districts in
16 accordance with designations made for the
17 source separation of yard waste in rules
18 promulgated earlier this year.

19 The rule also specifies the types of
20 containers in which organic waste must be
21 placed curbside, and expands existing
22 requirements related to recyclable materials
23 for residential buildings containing four or
24 more units to apply to organic waste. In
25 addition to implementing the laws

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1 requirements related to mandatory organics
2 collection, this proposed rule implements
3 changes related to yard waste collection made
4 by the law, including extending mandatory
5 yard waste separation requirement year-round,
6 rather than for eight months out of the year.

7 Though this rule also allows for the
8 use of plastic bags for the disposal of
9 designated yard waste. It clarifies that
10 yard waste cannot be commingled with organics
11 if yard waste is set out in paper or plastic
12 bags. Previously, yard waste was not allowed
13 to be disposed in plastic bags, and there was
14 no rule regulating whether yard waste and
15 organics could be commingled.

16 A court reporter is present today and
17 will record the hearing. You may present an
18 oral statement or submit written comments
19 concerning the proposed rule. We have been
20 accepting written comments on the proposed
21 rule since it was published. Today is the
22 deadline for submission of written comments.
23 Such comments may be e-mailed directly to
24 nycrules@dsny.nyc.gov by 5:00 p.m. today.
25 DSNY will make available a copy of all

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1 written comments received through today,
2 together with the hearing transcript, for
3 viewing on its website within the next few
4 weeks. DSNY will carefully consider all the
5 comments it receives today at the hearing and
6 all written comments it receives.

7 I will begin calling those of you who
8 wish to speak this morning in the order in
9 which you have signed up to testify. While
10 the notice requested that persons wishing to
11 testify sign up in advance of this hearing,
12 anyone wishing to testify at this time may do
13 so by indicating in the chat area that you
14 wish to testify, by indicating your name and
15 affiliation, if any.

16 When you speak, please state your name
17 and affiliation and speak slowly and clearly,
18 so that the court reporter can understand and
19 accurately record your statement. We also
20 ask that you limit your statement to
21 five minutes. Thank you.

22 And I will now begin by calling on
23 Council Member Shahana Hanif.

24 MS. HANIF: Thank you and good morning.
25 I'm Council Member Shahana Hanif, and I

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1 represent the 39th Council District in
2 Brooklyn.

3 I would like to begin by thanking the
4 Department of Sanitation for holding this
5 hearing regarding Local Law 85 of 2023, the
6 mandatory residential organic composting law.
7 As the lead sponsor of this law, I am
8 grateful to DSNY for working alongside me, my
9 staff, my fellow council colleagues, and the
10 countless environmental advocates who worked
11 so hard to get this law across the finish
12 line.

13 For too long, most New Yorkers have
14 disposed of their organic waste together with
15 their trash, which result in compostable
16 waste being incinerated or left to rot in
17 landfills that are predominantly located in
18 communities of color. Incinerators and
19 landfills emit disruptive greenhouse gases
20 and harm the health of these residents.

21 Mandating organic composting is an
22 important step in meeting our city's
23 environmental justice goals. I am proud that
24 with the full implementation of this law, all
25 New Yorkers will now reap the benefits of

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1 organic composting. I commend DSNY for the
2 steps it is taking to rule out this program,
3 including by sending mailers, conducting
4 door-to-door outreach, and delivering free
5 brown bins to those who requests them. While
6 I appreciate the Department's efforts to
7 spread awareness of this new law, I would
8 like to raise a few concerns and offer
9 recommendations that would strengthen the
10 program's rollout.

11 First, the October 13, 2023, deadline
12 to request a brown composting bin will
13 significantly limit the ability of residents
14 to obtain a bin at no cost. This could
15 result in low and middle income New Yorkers
16 needing to purchase their own bins in order
17 to comply with the program. As such, this
18 deadline should be removed completely.
19 Residents should be able to request a brown
20 bin at any time up to and after April 2025
21 when civil penalties kick in.

22 We must ensure that our hard-won
23 program is equitable and does not impose
24 undue financial burden. Additionally,
25 changes should be made to the outreach

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1 materials, including the mailer that has been
2 sent out to clarify that it is mandatory for
3 residents to separate and compost their food
4 waste. Currently, the mailer only specifies
5 that leaves and yard wastes must be
6 separated.

7 While penalties do not kick in until
8 April 2025, we must use the next year and a
9 half to build up muscle memory and ensure
10 that residents are properly participating in
11 the program. Further, I am concerned that
12 DSNY does not yet have translated outreach
13 materials. Outreach will be ineffective if
14 it is not in the languages that New Yorkers
15 understand.

16 Door-to-door efforts and mailed
17 materials should be directly informed by the
18 language and cultural needs of each of our
19 city's unique neighborhoods. The
20 Department's implementation plan states that
21 outreach will occur in fourteen languages,
22 and I expect that the Department will follow
23 through with this commitment and collaborate
24 with the local council member and community
25 partners.

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1 Lastly, the Department should create an
2 outreach toolkit that volunteers can use to
3 help get the word out to neighborhoods. We
4 are privileged to have many, many informed
5 and enthusiastic community members who are
6 eager to support the Department's efforts.
7 These folks know their own neighborhoods best
8 and are a critical resource in our efforts
9 for successful participation.

10 I look forward to continuing to work
11 with the Department to ensure that the
12 implementation of mandatory residential
13 composting is efficient and inclusive. Thank
14 you for your time and consideration.

15 I would also like to thank my
16 legislative and budget interns Savannah
17 Jackson and Ryan Alwi, for their work in
18 preparing this morning's testimony.

19 Thank you.

20 MS. STEINBERG ALBIN: Thank you,
21 Council Member.

22 I would now like to call on Christine
23 Datz Romero.

24 MS. DATZ ROMERO: Thank you and good
25 morning. My name is Christina Datz Romero,

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1 and I have the pleasure to testify on behalf
2 of the Save our Compost coalition today,
3 which advocates for organic waste recycling
4 as a free public service for all residents of
5 New York City.

6 We are very happy that we finally have
7 a mandatory and comprehensive curbside
8 collection program, and we have a few
9 comments about the rules that were published
10 by the Department of Sanitation.

11 We would like to recommend that the
12 Department allow both plastic or paper yard
13 waste bags for the collection of yard waste.
14 If we allow paper yard waste bags to continue
15 being used, we avoid the negative impacts of
16 plastic production and pollution, which I
17 think we should try to do in any small way we
18 can.

19 We are also curious whether the
20 Department could clarify whether yard waste
21 will be now collected separately from any
22 other organics, since yard waste is no longer
23 allowed to be commingled with the other
24 organics in our waste stream.

25 The next comment we have is about rigid

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1 containers. Containers will be allowed with
2 a capacity of up to 55 gallons, and we are
3 concerned that lifting hundreds or
4 potentially thousands of these bins during
5 one shift might lead to injuries for
6 sanitation workers. To protect sanitation
7 workers, we urge DSNY to use mechanized
8 trucks that can lift up large containers of
9 organics, especially in high-density
10 neighborhoods.

11 Bin distribution, currently DSNY is
12 giving only one brown bin for each building.
13 We would like to suggest that DSNY provide at
14 least, at the very least, one bin per 50
15 units, and we also like to support Shahana's
16 request for bins to be made available on a
17 continuous basis.

18 Outreach and education program, the
19 success of the curbside composting program is
20 depending on participation and effective
21 outreach and education on composting. The
22 Department should utilize the network of
23 organizations who have done outreach
24 education in New York City since 1997 through
25 the New York City Compost Project.

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1 Unfortunately, the compost project is slated
2 to be reduced in funding from \$7 million to
3 only \$3.5 million by FY26. There needs to be
4 a sustained community-based approach to
5 outreach and education to make this program a
6 success.

7 As we all see from the participation
8 and diversion rates for metal, glass,
9 plastic, and paper recycling, new Yorkers do
10 not participate at sufficient levels. The
11 rollout of curbside composting is an
12 opportunity to do better.

13 Lastly, we have comments about
14 processing. We applaud that DSNY is
15 developing an RFP to expand processing
16 capacity, and would like to request that a
17 significant portion of the organics be
18 processed locally, and that could rate from
19 community-based registered facilities to
20 larger commercial facilities, to create
21 compost as a soil amendment.

22 This approach will create a circular
23 system which has additional environmental
24 benefits. Compost improves urban soil, which
25 allows capture of storm water run-off, help

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1 street trees and green open space to thrive,
2 which provides shade and clean air and, of
3 course, very importantly, also creates local
4 green jobs.

5 Thank you for the opportunity to
6 testify.

7 MS. STEINBERG ALBIN: Thank you for
8 your testimony.

9 We would now like to call on Rhonda
10 Keyser to testify.

11 MS. KEYSER: Hi. My name is Rhonda
12 Keyser. I'm the chair of the Brooklyn Solid
13 Waste Advisory Board, and this testimony is
14 on behalf of all four Solid Waste Advisory
15 Boards, the Brooklyn, Queens, Bronx, and
16 Manhattan.

17 Thank you to the DSNY first for hosting
18 this hearing and for this opportunity to
19 speak. The Manhattan, Brooklyn, Queens, and
20 Bronx Solid Waste Advisory Boards, the SWABs,
21 share the following recommendations regarding
22 the Department of Sanitation's collection and
23 source separation of organic waste, as per
24 Intro 244-A.

25 The SWABs agree with the DSNY's

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1 proposed rule changes. However, though the
2 allowance for plastic bags should not be
3 prohibited at this early stage of the program
4 in order to encourage participation, we
5 believe that the use of plastic bags should
6 be phased out through outreach and education,
7 to minimize environmental and health impacts.

8 The SWABs believe that organics
9 diversion collection and processing must be
10 executed in a way that maximizes
11 participation and minimizes environmental and
12 health impacts. And we view the proposed
13 rule changes through this lens.

14 First, participation through outreach
15 and education. As source-separated organics
16 are now part of the recycling category, a
17 commitment to sustained outreach and
18 education to support and increase
19 participation as needed in both organics and
20 recycling diversion.

21 Any organics diversion plan must, as
22 its central principle, increase participation
23 through incentives of convenience,
24 substituting trash collection days with
25 organics and recycling collection days, as is

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1 done in the Department of Education when
2 schools are rolled into this organics
3 collection, will both increase convenience
4 and encourage participation. As trash
5 pick-up days decrease, residents will rely on
6 other streams for diversion.

7 Similarly, as residents increase
8 organics diversion from their trash bin,
9 there will be a commensurate decrease in the
10 amount of landfill and incineration bound
11 trash. And to ensure that residents
12 participate in the organics separation, we
13 recommend that DSNY provide at least one bin
14 per 50 apartment units, echoing Christina --
15 what Christina just said.

16 And in addition, to ensure that
17 buildings have enough time to request bins,
18 to also echo, we recommend that DSNY allow
19 residents to order bins on an ongoing basis
20 as well. We encourage all outreach and
21 education to create awareness, increase
22 comprehension and motivation, take into
23 account attitudes towards recycling and
24 intention to participate be convenient, and
25 maintain participation behavior over time.

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1 Outreach campaigns should be
2 longstanding, always changing, and
3 attention-grabbing, and should include ads in
4 the subways, buses and LinkNYC kiosks,
5 billboards, TV and radio, Con Ed bulletins;
6 in short, wherever New Yorkers may see them.

7 Additionally, curbside and kitchen bin
8 distribution are key motivators. DSNY
9 outreach should leverage the resources and
10 work of the Department of Education and the
11 area of participation and waste diversion in
12 schools.

13 Processing is an important part of
14 this, and the SWABs recommend that the
15 processing of source-separated organics
16 should prioritize composting solutions over
17 anaerobic digestion and anaerobic
18 co-digestion and processing.

19 Composting sequesters carbon, emits
20 less greenhouse gas, and produces a product
21 that can be used to enrich our soil, often
22 reducing the need for artificial fertilizers
23 made from fossil fuels, further reducing
24 greenhouse gas emissions, co-digestion of
25 organics produces leaky methane, carbon

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1 dioxide, and produces a bi-product of sewage
2 sludge, which is often contaminated with
3 plastics, PFAS, powerful pharmaceuticals and
4 other toxins, all contaminants that cannot be
5 effectively mitigated by treatment processes.

6 As such, DSNY should preserve and
7 expand local composting processing capacity
8 for and usage of organics compost within the
9 five boroughs, in addition to forging
10 partnerships with local accessible vineyards
11 and farms that might have interest and land
12 for composting NYC Organics for local
13 application.

14 There is no time to waste in
15 implementing these proven cost-effective
16 waste diverting solutions, and we applaud the
17 DSNY for moving forward and the City Council
18 for passing this law.

19 Thank you.

20 MS. STEINBERG ALBIN: Thank you for
21 your testimony.

22 We will now call on Eric Goldstein.

23 MR. GOLDSTEIN: Good morning. My name
24 is Eric Goldstein, and I'm the New York City
25 Environment Director at the Natural Resources

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1 Defense Council. NRDC is delighted by the
2 passage of Intro 244-A and thank Council
3 Members Hanif, Nurse, and Powers for their
4 leadership, and Commissioner Tej for moving
5 forward with implementation of this important
6 law.

7 Intro 244-A, which on July 8th became
8 Local Law 85, requires the Department to
9 establish universal curbside organics source
10 separation collection program for serving
11 every city household. And to implement such
12 a program, this October for 30 districts and
13 by October 2024 for the remaining districts,
14 the law also requires the source separation
15 of yard waste on a year-round basis.

16 NRDC is pleased to testify in support
17 of the proposed rules implementing this
18 statute, that are the subject of today's
19 hearing. Specifically, we support the
20 provision and the new rules dealing with how
21 separated yard waste must be placed out for
22 collection.

23 In particular, we welcome the proposed
24 requirement that food scraps and yard waste,
25 if commingled, may not be set out in paper or

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1 plastic bags, but must be placed out for
2 collection in rodent-proof containers. This
3 makes sense because to allow commingled or
4 organics to be placed out for collection in
5 paper or plastic bags would invite further
6 rodent infestation and reverse the process
7 the Administration is making by requiring
8 containerization of futuristical (phonetic)
9 waste.

10 It also makes sense because keeping
11 yard waste separate from food scraps is
12 advisable, since yard waste is least suited
13 for anaerobic digestion processing and should
14 primarily be digested at composting
15 facilities.

16 Second, while we support the
17 Department's proposed rule allowing for
18 separated yard waste to be set out for
19 collection in plastic bags, as this program
20 is phased in, we hope that the Department
21 will revisit this approach in several years.

22 Once residents get into the year-round
23 habit of separating yard waste for
24 collection, the Department should require
25 that such waste be only placid out for pickup

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1 in paper bags. Paper bags are compostable
2 and would make the processing of yard waste
3 at composting facilities easier and less
4 expensive for city taxpayers.

5 Two final points: Intro 244-A requires
6 the Department to undertake a comprehensive
7 outreach and education program for residents,
8 building owners, and community-based
9 organizations. We cannot stress strongly
10 enough the importance of this requirement.

11 Simply stated, to ensure the success of
12 the organics collection program and achieve
13 its worthy environmental and economic goals,
14 it's essential that the Department lead an
15 intensive and effective campaign, to inform
16 New Yorkers about the value of participating
17 in this program and how to do so.

18 And a key part of that effort should be
19 to make brown bins available to the public on
20 a continuing basis, at least during the first
21 year following phase-in, for every district.

22 Finally, Local Law 85 and Section
23 16-129 of the Administrative Code, that it
24 amends, also emphasize the need for expanding
25 and encouraging the composting of

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1 source-separated organics. Specifically, the
2 statute calls for the Siting Task Force to
3 identify additional locations for yard waste
4 composting and for the 4th coming 2026 solid
5 waste management plan, to provide for
6 maximizing composting of organic waste.

7 This composting expansion can and must
8 be done in a way that doesn't adversely
9 affect already overburdened environmental
10 justice communities and that, in fact,
11 supports waste equity goals, and we're
12 convinced that that can be done.

13 We hope the Department will take steps
14 to work with stakeholders to advance the goal
15 of expanding composting, so that the promise
16 of the Organics Source Separation Program
17 will be fully realized. And we thank you for
18 your attention.

19 MS. STEINBERG ALBIN: Thank you for
20 your testimony.

21 We will now call on Samantha
22 McBride.

23 MS. MCBRIDE: Good morning. My name is
24 Samantha McBride. I'm speaking as a resident
25 of New York City. I do not represent any

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1 company, product, or business.

2 I commend the Department on the
3 drafting of these rules. My comments concern
4 the requirement that bags be constructed of
5 low-density polyethylene or linear
6 low-density polyethylene. Compostable yard
7 waste bags otherwise meeting rule
8 specifications exist are proven and in
9 commerce. I have carried out research on
10 compostable plastic bag use in yard and
11 source-separated organics in a dense urban
12 setting in Milan, Italy.

13 I have followed collections from curb
14 through processing at three facilities there.
15 The benefit of compostable bags, its full
16 breakdown of bagging scraps and
17 microparticles from bags after debagging
18 equipment, reducing focal plastic
19 contamination of compost.

20 I also affirm the statements of
21 Christina Datz Romero and Rhonda Keyser, that
22 composting, as opposed to other conversion
23 technologies, be localized and regionalized
24 for New York City organics.

25 I request that the requirement of

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1 low-density polyethylene or linear
2 low-density polyethylene be removed and that
3 an option for a clear certified compostable
4 bag be an option. This comment is in no way
5 meant to promote sales of compostable plastic
6 products. Instead, it reflects my considered
7 research and experience in this area, and the
8 goal of a socially just and sustainable
9 DSNY composting program.

10 Thank you.

11 MS. STEINBERG ALBIN: Thank you for
12 your testimony.

13 Those are the people who had signed up
14 in advance. If you did not sign up, but you
15 wish to testify, you may indicate so in the
16 chat or use your raise-hand function.

17 (No response).

18 MS. STEINBERG ALBIN: Again, if you
19 would like to testify, please use your
20 raise-hand function or indicate so in the
21 chat. Additionally, comments, written
22 comments, may be submitted by 5:00 p.m.
23 today, via e-mail, to nycrules@dsny.nyc.gov.

24 (No response).

25 MS. STEINBERG ALBIN: If anybody who is

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1 on the Webex would like to testify and has
2 not testified yet, please use your raise-hand
3 function or indicate that you would like to
4 testify in the chat. And again, written
5 comments may be submitted by 5:00 p.m. today,
6 via e-mail, to nycrules -- that's N-Y-C-
7 R-U-L-E-S at D-S-N-Y.N-Y-C.G-O-V.

8 (No response).

9 MR. GOLDSTEIN: Thank you, Jessica.

10 MS. STEINBERG ALBIN: Thank you for
11 testifying.

12 One more time. If anybody would like
13 to testify and has not had the opportunity to
14 testify, please use your raise-hand function
15 or indicate that you would like to testify in
16 the chat. Written comments may be submitted
17 by 5:00 p.m. today, via e-mail, to nycrules@
18 dsny.nyc.gov.

19 (No response).

20 MS. STEINBERG ALBIN: Seeing no
21 additional members of the public that would
22 like to testify, this concludes today's
23 hearing.

24 Thank you very much.

25 (TIME NOTED: 10:32 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a shorthand
reporter within and for the State of New York, do
hereby certify that the within is a true and
accurate transcript of the statement taken on
August 10, 2023.

I further certify that I am not related to
any of the parties to this action by blood or by
marriage, and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 21st day of August, 2023.

Sabrina Brown Stewart
Sabrina Brown Stewart

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\$35 13:3	22:3 25:21	allow 11:23 12:1	approach 13:4,22 20:21	before 15 27
\$7 13:2	additionally 3:22	allowing 20:17	april 8:20 9:8	begin 6:7,22 7:3
21st 26:17	8:24 17:7 24:21 (4)	allows 5:7 13:25	are 7:17 9:10 10:4,5,8 11:6,19 12:2 15:16 16:2 17:8 19:18 21:1 23:8 24:13 (15)	behalf 11:1 14:14
244a 4:2 14:24 19:2,7 21:5 (5)	administration 20:7	alongside 7:8	area 6:13 17:11 24:7	behavior 16:25
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