

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

**Hearing before the New York City Council
Committee on Sanitation & Solid Waste Management and the
New York City Council Committee on Contracts
Wednesday, November 20, 2024, 10:00 A.M.**

Oversight Hearing: Containerization of Refuse and Organic Waste

Good morning Chair Abreu, Chair Won, and members of the Committees on Sanitation and Solid Waste Management and Contracts. I am Jessica Tisch, Commissioner of the New York City Department of Sanitation, and I am joined today by First Deputy Commissioner Javier Lojan, by Joseph Antonelli, Deputy Commissioner, Management and Budget, by Joshua Goodman, Deputy Commissioner, Public Affairs & Customer Experience, and by an official NYC Bin, fresh from its new role changing the look and feel of our City's sidewalks.

Over the last two years, DSNY has led the City of New York through a Trash Revolution. The effort to containerize the 44 million pounds of trash New Yorkers produce each day is decades in the making – almost from the moment that Mayor Lindsay legalized the use of uncontainerized black trash bags more than 50 years ago, there have been people who recognized the need to do better, and as global cities innovated, New York City fell behind.

That is changing, at long last. The days of Trash City are coming to an end.

This effort began in earnest in April 2023 with a change to the time when waste may legally be set at the curb. The old set-out time of 4pm was among the earliest in the world, and it meant that the vast majority of trash sat out for more than half of a given 24-hour period. The change in set-out time also incentivized the use of containers by allowing containerized waste to go out earlier, thus helping New Yorkers to begin kicking the habit of putting trash directly on our sidewalks.

Between September 2023 and March 2024, DSNY phased in trash bin requirements for every single business in the City, and those bins are now fighting rats in commercial corridors in every corner of the City. While we have seen widespread compliance, we are also engaging in meaningful enforcement around this requirement, having issued approximately 60,000 summonses and warnings to businesses failing to use containers to date. Residents can also report this violation directly to 311 and expect a next-day inspection by DSNY.

Last week, the first residential containerization mandate in 50 years took effect, covering buildings with one to nine residential units – everything from single-family homes through the nine-unit brownstone. These buildings are now required to place their trash out for collection in bins of 55 gallons or less with a secure lid, and by June 2026, will be required to use the official NYC Bin. This comes after months of outreach, including substantial work with your offices,

and is being done with a focus on equity. As a result, something amazing is happening: the entire City is talking about trash cans.

The official NYC Bin will allow for the use of standardized mechanical tippers, which are cleaner and safer for Sanitation Workers, half of whose line of duty injuries are sprains and strains from throwing bags. And it is available now at www.bins.nyc for about a third the cost of what similar bins sell for at retail. New Yorkers have ordered nearly 450,000 of these bins so far, and we kept our promise that every single order placed before October 1 would be delivered by the time the mandate went into effect. Those bins are among nearly 300,000 that have made it to homes across the City already, with the rest well on their way.

In addition to lower-density residential buildings, this bin requirement also covers the trash from all houses of worship, City agency buildings, and other non-residential buildings that receive DSNY collection like non-profits, libraries, and hospitals. There will be a warning period for residential properties through January 2, 2025, but let me be clear about what this rule means: 70% of New York City's trash in containers, a remarkable achievement that means fewer rats, reduced odors, and a reclamation of our public space.

And we are certainly not stopping there. Mayor Adams has been clear: the plan is to containerize all trash across the entire City based on learnings from an upcoming pilot. In the Spring of next year, DSNY will begin the installation of Empire Bins, a European-style stationary on-street container for use by larger buildings, starting with Manhattan Community District 9 in West Harlem. Unlike similar on-street trash containerization programs in Europe, South America, and Asia, Empire Bins will not be shared by the entire block, but rather assigned specifically to a larger building, for use only by that building's staff. This will prevent bins from overflowing, and essentially uses New York City's density – one of the supposed stumbling blocks of prior containerization efforts – to our advantage going forward.

The Empire Bins will be required for all buildings in the pilot area with 31 or more units, and buildings with 10 to 30 units will have the choice of either opting in to request the use of Empire Bins, or containerizing via wheelie bins like the City's smaller residential buildings.

When this first district is installed, there will be one entire part of the City with no bags of trash on the street; a perfect district to study and from which to plan expansion.

This sweeping change to waste set-out and collection is only one of several major new initiatives taking place at DSNY.

After decades of attempts, we now have a universal, easy, accessible and citywide curbside composting program, allowing all New Yorkers to set out their food scraps and yard waste every week on their recycling day. The response to this program has been astounding – compostable waste diverted from landfill has risen 65% over the last two years, and enthusiasm is unabated, with Staten Island residents requesting more brown bins this summer and fall than any other borough.

I would like to take the opportunity – as DSNY has done at four previous hearings – to again raise the issue of commercial organics separation. Local Law 146 of 2013 requires certain commercial establishments to separate their compostable material, but this law is now substantially out of step with the City’s commitment to diversion of compostable waste. While the Commercial Waste Zone system will improve commercial diversion, we also urge the Council to consider an update that would allow DSNY to require source separation at all commercial establishments, in line with the progress made in residential diversion.

And speaking of the Commercial Waste Zone system, one of the other substantial overhauls of waste operations in New York City, we are now only just over one month away from full implementation of the first zone, Queens Central. This initiative will end what was functionally a Wild West of commercial carting, after Brooklyn Borough President Antonio Reynoso and others worked for years to develop a thoughtful system for calling in the cavalry – DSNY.

When the first zone is fully implemented right after the new year, DSNY will gain significant new enforcement capabilities, but we are not waiting to make it clear that things have changed. DSNY enforcement personnel have issued 114 summonses to commercial carters in Queens Central since the enforcement period began, for everything from safety violations to offenses against basic cleanliness. This enforcement works; we are seeing drastic increases in compliance even before full DSNY authority takes effect.

We have convened the CWZ Safety Task Force, overseen trainings and engaged in substantial and ongoing outreach to businesses.

As predicted when Local Law 199 of 2019 went into effect, the Commercial Waste Zone program is leading to some industry consolidation. We remain steadfast in our commitment that there must be three carters per zone and that no carter may have more than 15 zones, including via subsidiaries, in order to maintain necessary market competition and keep prices down. In the case of current consolidation already underway that may necessitate a new award, we plan to use the existing RFP documents given their recency and continued relevance. In the future, as time goes on, that may change and new bids may be necessary.

Proposed Legislation

We continue to rely on the partnership of this Council to make these long-overdue changes a reality. With that in mind, I will now turn to the bills on today’s agenda.

The pre-considered introduction sponsored by Council Member Hudson is essential to the success of the Trash Revolution. This bill will allow for a sustainable model for expansion of Empire Bin on-street containers beyond the pilot district. If you are interested in seeing full-scale containerization across the City, it must pass, and we support the concept of this legislation in the strongest possible terms. Our initial use of on-street containers in Hamilton Heights led to a 60% decrease in rat sightings on blocks that had the bins, while the rest of the neighborhood was flat on the same statistic. We know this works, and I want to thank Council Member Hudson and Chair Abreu for their forward thinking in making sure that the M9 pilot has a mechanism for further expansion.

Int-57, sponsored by Council Member Osse, is similarly important to our ongoing efforts. We strongly support the goal of making repeat cleanliness offenders pay for polluting our sidewalks and codifying containerization into law, and I look forward to working with you to advocate for this law.

Int-498, sponsored by Chair Abreu, requires DSNY to collect waste from community gardens. The Department already provides this service to any community garden that requests it, and we are happy to support the Chair's introduction which will codify that policy into law.

The next two bills on the agenda today, Int-698 and Int-781, both sponsored by Council Member Nurse, are a study in contrasts around the diversion of beneficial reuse of compostable material. Int-781 expands composting, requiring source-separation at all City agency buildings. Mayor Adams made a promise that all DOE schools would separate their compost, and earlier this year, that promise was kept. With DOE already participating in this important program, DSNY supports this bill strongly; all residents and some businesses have to separate their compostable material, and City government should as well.

It is frustrating, then, that Council Member Nurse's other bill, Int-698, could actually *restrict* access to composting by taking our extremely popular Smart Bin program and arbitrarily declaring that it does not comply with existing legislation around food scrap drop-offs, in particular Local Law 89 of 2023. This program is beloved, being used over 1.2 million times in FY24. Why, then, would the Council simply say that it doesn't count, even though every single use of these Smart Bins keeps material out of landfill? It will be difficult for DSNY to justify the operating expenses of the Smart Bins if this legislation passes, and I must strongly oppose, so that New Yorkers can continue to compost easily.

The next bill, Int-949, sponsored by Public Advocate Williams, has been reintroduced over a period of several years and calls for containerization of waste at certain large buildings. Containerization is absolutely the right idea, but this bill in its current form is not the right approach; as you all know, we are moving forward with a more fully-developed citywide containerization plan, and I am in touch with the Public Advocate about aligning his bill with our work.

The administration has similar feelings about the pre-considered introduction sponsored by Chair Abreu. The specifics of the Trash Revolution were not designed haphazardly, but rather based on a detailed volumetric analysis and block by block surveys. Last week, we began requiring all City agencies to containerize their trash alongside and in a similar manner to all businesses and all lower-density residential buildings because this analysis showed that this is the phase of the Trash Revolution in which City agency buildings belong. This legislation has a very important goal – to containerize City agency trash – but it requires even small schools and offices to use Empire Bins, which our research shows are not appropriate in most cases. There certainly may be some municipal buildings that can support an Empire Bin, and we would be happy to work with the Chair on a revision that achieves the goal of universal containerization while maximizing use of public space.

The third pre-considered introduction, sponsored by Council Member Salaam, would create a reimbursement program for property owners who purchased the official NYC Bin, seen beside me here at the table, subject to future appropriations. I would like to remind the Council that, thanks to careful strategic planning and contracting by DSNY, this bin is the cheapest of its quality by far – around \$50, when similar bins can be well over \$100.

While each individual bin is inexpensive, the cost of a program like the one described in this bill would be quite high given the overall number of bins purchased. Paying for one bin for each of the properties covered by this requirement would cost approximately \$36 million, and reimbursing all bins purchased to date would cost approximately \$22 million. That is to say nothing of the logistical challenges involved in a reimbursement program – verifying receipts, distributing checks, all of which would come with high staffing and administrative costs. We maintain that the low cost of each individual bin is the responsibility of the property owner, particularly given that it is the property owner who reaps the benefit in quality of life of not having bags of trash outside their home. That said, we welcome the opportunity to work with the Council to explore even more ways to help property owners get these bins, and the Law Department is reviewing the bill.

Finally, we have Int-1108, sponsored by Council Member Menin. This bill thoughtfully identifies a loophole in DSNY enforcement authority. Most cleanliness violations written by the Department are premises-based; that is, written to a specific address. But how do we enforce against cleanliness violations that exist in our public realm, and do not have a specific property address attached? While the Law Department is currently reviewing the bill language, we greatly appreciate Council Member Menin's leadership in introducing it and we look forward to working together on it.

Council Member Nurse has also introduced one resolution on today's agenda, Reso-284, calling for mandatory composting at SUNY and CUNY campuses. This is a good idea that we are happy to support.

Thank you, and we look forward to taking your questions.