



sanitation

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**Testimony of
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New York City Department of Sanitation**

**Hearing before the New York City Council
Committee on Sanitation and Solid Waste Management**

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**New York City Department of Sanitation's Initiatives to Address Street Cleanliness
and Intros. 413, 769, 809, 861, 981, and 1032**

Good morning Chair Nurse and members of the City Council Committee on Sanitation and Solid Waste Management. I am Jessica Tisch, Commissioner of the New York City Department of Sanitation (DSNY). I am joined today by First Deputy Commissioner Javier Lojan and Gregory Anderson, Deputy Commissioner for Policy and Strategic Initiatives. Thank you for the opportunity to testify today on DSNY's initiatives to address street cleanliness.

We are in the midst of a Trash Revolution in New York City. This is a complete overhaul of our old way of doing things. Trash set out later – and more in containers and bins – and picked up earlier than ever before. The highest levels of litter basket service and street cleaning the City has seen in over 20 years. New investments in high impact cleaning programs for previously overlooked public and private spaces. Sustained and strategic enforcement of our most basic cleanliness rules.

Together, these efforts are bringing a tidal wave of change to New York City's streets.

I will briefly detail these efforts, before moving to the bills on today's agenda.

New York City's Trash Revolution

Over the last year, the Adams Administration has implemented an ambitious and game-changing set of new initiatives, programs, and policies around reducing the impact of trash bags on sidewalks, fighting rats, and cleaning up our city.

We implemented the first changes to setout times in decades, creating a simple standard that no trash in black bags can be set out for collection earlier than 8:00 p.m. Trash in bins can be set out earlier: 6:00 p.m. for residents or an hour before closing for businesses. This is an incredibly meaningful change to regulations around waste. Since these regulations took effect on April 1, we have issued more than 24,500 warnings and 42,700 violations for failure to set out waste

properly. The results are clear: since April 1, the number of 311 complaints about rats decreased by 20% citywide and 45% in rat mitigation zones.

In August, we implemented another new rule requiring that all food-related businesses – restaurants, delis, bodegas, grocery stores, caterers, and others – set out their trash for collection in containers with a lid. This month, those rules expanded to include chain stores with five or more locations in New York City. Black bags of trash leak food waste and attract rats, and moving trash into rigid containers with lids reduces the occurrence of foul odors and vermin. We have issued 23,000 warnings and violations since these rules took effect.

Putting trash in bins and containers is not rocket science. Other cities in the US and abroad have been doing this for decades. We are late to the game, but we are moving aggressively to bring New York City in line with our peers.

For residential trash, we have begun a pilot to use on-street containers and mechanized collection in Manhattan Community Board 9, as envisioned in *The Future of Trash*, the comprehensive study and report on the feasibility of waste containerization that we released earlier this year.

In the last year, DSNY has also refocused our efforts to enforce core Sanitation regulations. Businesses and property owners must keep their sidewalks and the area 18 inches into the street clean and free of litter, and they must set out trash and recyclables properly and at the right time. This is not enforcement for enforcement's sake. It is appropriate and meaningful action to uphold these basic rules around cleanliness. This year, cleanliness violations are up 64% year-to-date.

We have also stepped up our fight against illegal dumping, a theft of public space and a scourge on neighborhoods across New York City. We now have 258 illegal dumping cameras installed across the five boroughs, up from exactly zero when I started as Commissioner, and we have increased the number of violations and impounds by 137% year-to-date. We are sending a clear message – if you dump on our City, you will be caught, and you will pay.

Earlier this year, we created a new partnership with the NYPD to address the challenge of abandoned and derelict vehicles on city streets. Before, these cars would be stuck in a game of hot potato between the two agencies, with no clear responsibility and accountability. Now, we have created a joint task force with five NYPD officers assigned to DSNY to coordinate efforts to remove these eyesores from our streets. We now conduct multiple joint operations per week, up from just one or two a month last year. This has led to a 68% increase in vehicle removals – a total of nearly 6,200 removed so far this year.

We also created the new Targeted Neighborhood Taskforce (TNT) to address long-overlooked areas around the City that fell through the cracks of maintenance jurisdiction. DSNY is on the sixth round of cleaning these 1700+ locations since last November.

This summer, DSNY created our first ever Highway Unit, assuming responsibility for cleaning highways across the city. These areas, including the medians, shoulders, and adjacent grassy areas, were filthy from years of neglect. For the first time, we are giving these areas a deep clean, removing litter and debris that has accumulated over time. These efforts are difficult– some

highways like the FDR Drive and BQE get dirty again soon after being cleaned. But I believe our efforts are making a big difference for New Yorkers.

Lastly, in April we assumed operational control of the City's graffiti cleaning program from EDC. DSNY had historically been responsible for taking graffiti complaints but for over a decade had just passed them off to EDC for cleaning, with neither agency taking full responsibility. Now, we have implemented new procedures and policies to increase productivity and effectiveness. Since April 1, we have closed more than 5,000 graffiti service requests.

Legislation

I am here today to deliver a sobering message that I hope will serve as a wakeup call. Despite all of this Administration's new programs and efforts, we will not win the war on cleanliness without meaningful and decisive action from the Council and our colleagues in the State Legislature.

How is it that a single store on Seventh Avenue in Manhattan can dump its entire contents on the sidewalk, and the biggest fine we can give them is 50 BUCKS??

How is it that a major retailer can leave its sidewalk a mess all day long, but we can only write a ticket if we catch them during two one-hour periods in the middle of the day?

This is a big problem that calls for big action – action at the both the local and state levels to hold violators accountable and give DSNY the tools and authority we need to clean up our city.

We must:

- Substantially increase penalties for core Sanitation violations, penalties that had been wrongly reduced by City Council and the previous Administration.

These are the types of conditions that Council Members call me about to clean up all the time. That kind of response – sending crews to clean messes left by businesses and properties – is not scalable.

We have shown through our enforcement efforts that the Department's ability to conduct enforcement is not the problem. Sanitation violations must have meaningful consequences. Council needs to send the message that these very basic rules around cleanliness are our top priority.

The penalties for these core violations, including failure to clean sidewalks and along the curb line, failure to use a container with a lid when required, and failure to follow setout time regulations, should be increased substantially, particularly for larger residential properties and commercial establishments, and include steep escalations for second and third violations.

Council Member Ossé's bill (Int. 544) is a good start in this direction, but it can and should be expanded to address violations other than setout.

- Expand the hours of the day that property owners are responsible for cleaning. Enforcing these laws during only two hours per day sends the message that cleanliness is barely a passing obligation.

Council Member Bottcher's bill (Int. 981) addresses this issue for commercial establishments. But for larger residential properties with onsite staff, we should be able to conduct enforcement during all daytime hours, not just at 8:00 a.m. and 6:00 p.m. each day.

- Strengthen enforcement of street cleaning regulations by increasing penalties for drivers that do not move their cars for street cleaning and authorizing automated enforcement, similar to bus lanes and speed limits.

This action, which must be taken at the state level, would unleash the full potential of our fleet of street sweepers and allow them to fully clean along curbs where they are currently blocked by parked cars.

- Modernize derelict vehicle regulations to allow DSNY to more quickly remove vehicles that create eyesore conditions in nearly every neighborhood and to loosen the criteria a vehicle must meet to be considered derelict. This action must also be taken at the state level.

I will now address the specific bills being considered at today's hearing.

Intro. 413 relates to grease haulers and is covered by existing requirements by BIC, DSNY, and DEP regulations. I am joined today by BIC's Chief of Staff and Deputy Commissioner of Operations Alison Bonfoey, should you have any questions regarding this bill.

Intro. 769 would require DSNY to publish a report on the resources needed for litter pickup and illegal dumping prevention. These resource needs should be considered in the context of the City's annual budget process, and it is not appropriate to publish a standalone report.

Intro. 809 would create a new penalty for repeat violators that receive more than 20 violations for failing to clean their sidewalks and curb lines. This bill in its current form will not have a meaningful impact on cleanliness. The types of businesses that Council Members call me about every day do not come close to having 20 violations. We must increase penalties for basic violations and for first-, second-, and third-time penalties, and I look forward to working with the sponsor to improve this bill.

Intro. 861 would require DSNY to post emergency response and resiliency plans on its website. Efforts to prepare for and respond to emergencies are led by the New York City Emergency Management (NYCEM). This is an all-of-government approach to these situations, and it is not

appropriate to separate DSNY's role from the roles of our sister agencies. Any public plans should be made available by NYCCEM.

Intro. 981 would extend the amount of time DSNY agents and officers can issue violations to businesses for failure to clean sidewalks and the area 18 inches from the curb to any posted business hours or, for businesses without posted hours, the period from 8:00 a.m. to 7:00 p.m. each day. As I mentioned previously, this is an appropriate first step, but the bill should be amended to also extend enforcement timeframes for larger residential buildings with on-site staff.

Lastly, Intro. 1032 would add additional requirements for DSNY around the removal and referral of abandoned vehicles. This bill does not account for the realities of our derelict vehicle operations or the requirements of State law that apply. As I have described, DSNY has worked closely with NYPD to create a joint Task Force for abandoned vehicles that has increased removals of derelict and abandoned vehicles by 48% compared to last year.

In my opinion, it would be a missed opportunity if this package of bills is the sum total of the Council's action on cleanliness, given how much work we have to do.

My hope is that we can expand upon the bills as drafted today to end up with a strong package that truly makes the Council a partner in our Trash Revolution. I feel so strongly about this because it is absolutely achievable.