

**OPENING STATEMENT OF
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**PUBLIC HEARING ON DSNY'S PROPOSED RULE RELATING TO THE USE OF CERTAIN
RECEPTACLES BY FOOD RELATED BUSINESSES**

**THURSDAY, JUNE 22, 2023
10:00 A.M.
(REMOTE HEARING)**

Good morning and welcome. My name is Madelynn Liguori. I am Senior Counsel in the Bureau of Legal Affairs for the Department of Sanitation ("DSNY"). Thank you for attending this public hearing this morning.

DSNY is conducting this remote hearing in accordance with the requirements of the City Administrative Procedure Act. The purpose of this hearing is to receive comments from the public on DSNY's proposed rule relating to the use of certain receptacles by food related businesses.

This rule was published by DSNY in the City Record on May 18, 2023, with a scheduled hearing date of today, June 22, 2023. Additionally, DSNY emailed copies of the rule to all New York City local elected officials, the City's fifty-nine community boards, media and interested parties, and published the proposed rule on its website.

DSNY rules currently allow for all commercial establishments to set out their waste and recyclable materials within one hour of closing, provided that the scheduled collection occurs before the establishment next reopens for business and only if such materials are placed out for collection in receptacles with tight-fitting lids. Those establishments that place materials out for collection in bags, regardless of the time they close, may place such materials at the curb no earlier than 8:00 p.m.

Under this proposed rule, all food-related businesses must set out any putrescible solid waste, including refuse and organic waste, at the curb for private carter collection in rigid receptacles with tight-fitting lids.

The proposed rule would not apply to recyclable materials other than organic waste. The proposed rule would also not apply to food-related businesses that receive off-street collection, including collection that takes place in a loading dock.

Additionally, the rule sets forth maintenance and storage requirements for such receptacles.

These changes are a part of the City's commitment to cleaning up New York City streets and reducing food sources for rats. Food-related businesses are large generators of putrescible waste, including organics, and bags of waste set out for collection on the curb, even when in compliance with existing waste setout requirements, attract rats and vermin. Requiring these businesses that produce a disproportionate amount of food waste to place their putrescible waste in sealed containers will meaningfully limit potential food sources for vermin. DSNY is

working closely with the Department of Health and Mental Hygiene to ensure that these changes reflect a shared goal of health and safety for restaurants.

These changes align with other City initiatives to increase the use of containers for waste storage and collection, creating cleaner, more livable, and more vibrant streets and neighborhoods across New York City.

A court reporter is present today and will record the hearing. You may present an oral statement or submit written comments concerning the proposed rule. We have been accepting written comments on the proposed rule since it was published. Today is the deadline for submission of written comments. Such comments may be emailed directly to nycrules@dsny.nyc.gov by 5PM today.

DSNY will make available a copy of all written comments received through today, together with the hearing transcript, for viewing on its website within the next few weeks.

DSNY will carefully consider all the comments it receives today at the hearing and all written comments it receives.

I will begin calling those of you who wish to speak this morning in the order in which you have signed up to testify. While the notice requested that persons wishing to testify sign up in advance of this hearing, anyone wishing to testify at this time may do so by indicating in the chat area that you wish to testify by indicating your name and affiliation, if any. When you speak, please state your name and affiliation, and speak slowly and clearly so that the court reporter can understand and accurately record your statement. We also ask that you limit your statement to five minutes.