

From: [Andrew Rigie](#)
To: [NYC Rules \(DSNY\)](#)
Cc: [Andrew Rigie](#)
Subject: [EXTERNAL] 6.22.23 Comments on DSNY's proposal to amend its rules relating to the use of certain receptacles for food-related businesses
Date: Thursday, June 22, 2023 10:20:29 AM
Attachments: [6.22.23 Requiring Receptacles for Food-Related Businesses - Comments - NYC Hospitality Alliance .pdf](#)

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Please accept our written comments for the record and confirm receipt. Thanks.

(Below and attached)

June 22, 2023

Comments of the NYC Hospitality Alliance on the Department of Sanitation's proposal to amend its rules relating to the use of certain receptacles for food-related businesses

The NYC Hospitality Alliance (“The Alliance”) is a not-for-profit organization representing restaurants, bars, and nightclubs throughout the five boroughs that would be affected by the NYC Department of Sanitation’s (“DSNY”) proposed rule, which if adopted will require all food-related businesses to set out their waste at the curb in rigid receptacles with tight-fitting lids for commercial carter pick up.

The Alliance is a supporter of containerizing trash, and we urge food businesses to do so whenever practicable, but we strongly oppose DSNY’s proposal to mandate that all food businesses do so because it is impractical or impossible for many businesses under this proposal. We conducted a survey, and a sample of nearly 400 hundred restaurants and bars replied that they’d be unable or have significant challenges complying with this proposed mandate due to lack of indoor and outdoor space, and other logistical challenges.

While some food businesses already containerize their waste, or would do so if encouraged or required, a segment of the industry has shared these valid concerns with us about their limitations, and in many cases inability to comply with this proposed sweeping mandate:

Storing Trash Containers Indoors:

Many food businesses do not have adequate indoor space to fit a bunch of large rigid garbage containers inside their small businesses, and/or carrying them through sidewalk cellar doors poses additional physical challenges to workers.

In restaurants with limited indoor space, storing large rigid dirty garbage containers inside near food preparation areas and customer seating areas is unappealing, creates nuisances, sanitary issues, and likely increases the chance of pest and vermin issues that may

result in Department of Health Violations.

Storing Trash Containers Outdoors for Restaurants that Cannot do so Indoors:

Many food businesses have narrow storefronts. This mandate would force them to store a bunch of garbage containers right in front of their business blocking their windows and obstructing their storefronts.

Neighboring businesses and residential buildings will undoubtedly complain when food businesses permanently store a bunch of large rigid and smelly garbage containers right next to their entrances, as will community boards and local groups that may not want thousands of garbage cans permanently stationed in front of buildings, especially when there are multiple containers that get knocked over, strewn about at night, etc.

The City of New York is also enacting an historic outdoor dining program and if a restaurant must store their large garbage containers on the public sidewalk directly contiguous to their storefront, the space designed to be utilized as a sidewalk cafe, it will limit their ability to have a sidewalk café and place this historic program the mayor wants to make permanent in jeopardy.

Violations and Miscellaneous Concerns

Mayor Adams' Administration and the City Council have focused on education and compliance first and levying fines against small businesses as a last resort, which they do in part by incorporating warnings and cure periods for first time violations into existing and new laws and rules. Yet, this is another recent example of DSNY's failure to follow by publishing a rule that doesn't allow for warnings and/or cure periods. We find this to sharply contrast with the stated regulatory culture of Mayor Adams' Administration seeks to achieve.

Businesses that currently use garbage containers reported pedestrians opening them and leaving their own trash and recyclables in the containers resulting in fines from DSNY for not separating materials properly, so how will the agency mitigate against these unfair violations and fines to businesses?

These large garbage containers will need to be regularly cleaned to avoid health and rodent problems. Thousands of small restaurants do not have the facilities to accomplish that indoors so, our city's sidewalks will be turned into washing areas for these garbage containers resulting in dirty water runoff that result in more complaints.

The NYC Hospitality Alliance recognizes the myriad of problems with our city's current garbage collection system and supports an overhaul, but it must be achievable and doesn't create other undesirable outcomes such as replacing garbage bags placed on the curb line after 8pm for a few hours, for thousands of garbage containers permanently stationed in front of businesses across the city 24/7, which similarly seems unwieldy and unsightly. We understand that our private commercial carting system complicates trash containerization because even under the to be implemented Zone Carting system multiple carters will service an area and this

poses challenges for communal containers, which the city seeks to implement for residential garbage. But even there, the city is implementing a pilot program for themselves for residential collection before mandating it citywide, but the city seeks to immediately impose this mandate on businesses without a pilot program, whose trash they aren't responsible for collecting.

We urge DSNY to slow down this process and work with the restaurant industry to get more businesses to containerize their garbage and seek solutions to the challenges we've listed. For example, this proposal doesn't even allow for a restaurant to petition the city to allow them to store the garbage containers on the curb line, parking space, or elsewhere on the block, get a waiver, or explore other options like using rodent repellent garbage bags. Furthermore, with the major transition to the Zone Carting system underway, further exploration about how containerization could work better under that scheme should be discussed. We were appointed to the Zone Waste Advisory Board and urge the city to reconvene affected stakeholders from that Board to explore possibilities and opportunities.

We strongly oppose this proposed rule as drafted, remain committed to working collaboratively with Mayor Adams' Administration, DSNY, and stakeholders to find better solutions, and we thank you for your consideration of our comments.

If you have questions, please contact our executive director Andrew Rigie at arigie@thenycalliance.org

Respectfully submitted,

NYC Hospitality Alliance

ANDREW RIGIE | EXECUTIVE DIRECTOR | NYC HOSPITALITY ALLIANCE

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From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Comment on new rules for maintenance and storage requirements for rigid receptacles
Date: Sunday, June 18, 2023 9:57:56 PM

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Greetings:

I write as a former NYS Senator and former NYC Councilmember to comment as part of the DSNY public hearing of June 22, 2023 to require certain food manufacturers and food establishments to set out putrescible solid waste at the curb in rigid receptacles pursuant to amendments proposed to Chapter 1 of Title 16 RCNY by adding subdivision (d) to Section 1-02.1 and adding new Section 1-02.4. While I support subdivision (b) of proposed Section 1-02.4 requiring these food establishments to set out putrescible waste at the curb in rigid receptacles with tight-fitting lids, I am not supportive of the proposal that the receptacles may be stored within 3 feet of the building line on the sidewalk if the food establishment, in its own discretion, determines that there is no other storage area on the premises for the receptacles as set out in new subdivision (d) of Section 1-02.1. Allowing this as part of the new rule has the potential to open the floodgates to allow an unlimited number of trash cans and trash dumpsters to remain on the sidewalk continuously at the sole discretion of the business owner.

Creating this wide and unfettered discretion in this proposed rule would be in direct contradiction to the effort DSNY made two decades ago to remove dumpsters being stored on sidewalks. Called "Operation Dumpster," DSNY in 2002 instituted a ban citywide on storing dumpsters on city sidewalks. As an elected official at the time, I was a strong proponent of the ban because New Yorkers at the time were stepping around unsightly garbage dumpsters that often were odorous and every time marred the city streetscape. In instituting this ban, the Department directed those food establishments with limited space to use in the alternative 65-90 gallon containers that could be rolled or carried out of the premises or to use additional private carter collection services. The effect of this citywide ban on storage of dumpsters on the sidewalk was immediate and the benefits of "Operation Dumpster", whose enforcement began in 2002, continue today. Yet the open-ended loophole proposed in the new rules in allowing storage on the sidewalk within 3 feet of the building line will obliterate that progress and will likely return to our sidewalks storage of bulky, unsightly dumpsters that will often be odorous, despite the provision in the rule that they be kept clean. Unless there is a provision to require disposable plastic liners for the dumpsters and that they be changed everyday, there can never be immediate enough enforcement on the issue of cleanliness or odor. Even so, the issue still remains that the unsightly and bulky dumpster would remain in public view and mar the city streetscape. This is what Operation Dumpster set out to eliminate and it did so successfully; yet this is what we are threatened with again if these new rules are adopted without amendment. I urge the current leadership of the Department of Sanitation to please not take us back to a problem that the Department already solved twenty years ago to the benefit of our streetscape and of all New Yorkers. Please amend the proposed rules in such a way that will keep trash receptacles and dumpsters off the sidewalks of our City on non-collection days.

I urge this action on these proposed rules and I commend you for your serious consideration in doing so.

Sincerely,
Vincent J. Gentile



NYS Senator, 1997-2002

NYC Councilmember, 2003-2017

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Comment: Rule Relating to the Use of Certain Receptacles by Food-Related Businesses
Date: Thursday, June 22, 2023 12:11:01 PM

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Below is my comment, since I was not able to attend the public hearing:

I support trash receptacles stored on the street — we need to prioritize pedestrian accessibility and discourage storage of private vehicles on our public streets. Along with strong implementation of the composting program, containerized trash should reduce the rat infestation that I see near my home in Brooklyn, with piles of trash bags on every block. Eliminating parking spaces would be an added benefit, as this would discourage driving and help us meet our climate goals.

Thank you,
Tony Melone
Park Slope, [REDACTED]
[REDACTED]

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] DOT Containerization + Sanitation
Date: Monday, June 19, 2023 9:30:51 AM

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Hello,

I am writing this testimony to advocate for the containerization of garbage, especially the garbage from restaurants that nyc rats love so much. I am also writing to advocate that those containers not be placed on the sidewalk and instead be placed in the curb spaces, also known as parking spaces.

By containerizing the trash DOT will be keeping New York City streets clean and safe for all who use them. By placing those containers in spaces previously prioritized for parking private vehicles, DOT would be prioritizing all New Yorkers— not just those who own cars.

Thank you for keeping our sidewalks open and accessible to all and you putting trash away!

Kaitlyn Conway

--

Kaitlyn Conway | She/Her

M.P.A. Candidate in Urban Policy | SIPA

President | Civic & Voter Engagement Coalition

Columbia University in the City of New York

kaitlyn.conway@columbia.edu | (817)287.1116

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Cc: [REDACTED]
Subject: [EXTERNAL] LIC Partnership: Comment on Proposed Rules
Date: Thursday, June 22, 2023 4:01:08 PM

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Department of Sanitation,

Comments of the Long Island City Partnership on the Department of Sanitation's proposal to amend its rules relating to the use of certain receptacles for food-related businesses.

On behalf of business owners in the Long Island City Business Improvement District, we are writing to express our concerns regarding the proposed rule to require food-related businesses to set out their trash in rigid receptacles with tight-fitting lids. While business owners support efforts to keep sidewalks clean and mitigate pest problems, these rules will be difficult for them to comply with.

LICP is the local development corporation for Long Island City, Queens. The Partnership's mission is to advocate for economic development that benefits LIC's industrial, commercial, cultural and residential sectors. The goal is to attract new businesses to LIC, retain those already here, welcome new residents and visitors, and promote a vibrant and authentic mixed-use community. The LIC Partnership operates the LIC Business Improvement District, the LIC Industrial Business Zone and other programs. The LIC BID comprises over 300 commercial businesses and is focused on supporting small businesses.

The LIC BID collaborated with DSNY in August 2022 to run a month-long pilot program with twelve businesses to determine any potential challenges that arise when these rules are put into practice. We were happy to pilot this program in our district with the intention of helping our businesses keep trash off the sidewalk. However, the results were overwhelmingly unsuccessful. Most of the trash bins placed on the street were stolen, and many small businesses do not have sufficient storage space to stow the bins indoors during the day. Additionally, pedestrians filled up the commercial bins with trash, causing them to overflow and result in price hikes from private carters and fines issued by DSNY. The requirement to obtain and replace these bins when stolen will add another item to the expensive cost of doing business in New York City.

We reported on the outcome of this pilot to DSNY in the hopes that our feedback would be taken into consideration when drafting citywide policy. Despite the challenges, these guidelines are now being implemented citywide and our feedback was not taken into consideration. We have a few recommendations that we hope are considered before the new rules come into play. We recommend implementing a grace period before these rules go into effect as well as warnings for first-time violators. We also recommend these rules should be rolled out in tandem with the commercial waste zone pilot in order to avoid confusion from private carters servicing the bins. DSNY should step up efforts to educate

business owners about the new commercial trash setout rules and more flexibility must be granted for businesses that are unable to store these bins indoors.

Thank You,

Dana Leventhal

Senior Manager, BID Operations and Retail Support



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Text **LICBID to (929) 269-8848** to join our LIC BID Texting Service

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Proposed rule change relating to the use of certain receptacles for food-related businesses.
Date: Thursday, June 22, 2023 7:41:49 AM

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Dear DSNY,

I am Executive Director of the Church Ave. and Flatbush Ave. BIDs, co-chair of the NYC BID Association's Quality of Life working group, and served as co-lead for Brooklyn on the Mayor's Commercial Corridor Recovery Task Force. I spend a lot of time trying to address sanitation issues and appreciate the opportunity to comment on this proposed rule.

Our BIDs are in favor of reasonable measures to improve street conditions and reduce trash in our commercial districts. However, we're concerned that this change would lay a heavy burden on many businesses and make shopping less pleasant. We urge DSNY to pause and instead, to do meaningful outreach with businesses and/or BIDs to identify creative solutions that support small businesses instead of imposing a burdensome rule.

In addition to the cost of purchasing and replacing containers that the rule would place onto many food businesses, we anticipate an increase in improper disposal from businesses that don't want to comply. Our two districts already spend more than a third of our combined annual budget on supplemental sanitation services but even that is a minimal crew without the capacity to do additional cleaning. This is going to result in dirtier streets.

Throughout the summer, butchers, fresh fish shops, and the many businesses that carry fresh meat will now have to deal with the rancid smells of rotting meat waste in a bin that has been sitting in front of their stores for hours. In neighborhoods like Flatbush, few stores have access to water in front of stores for them to use to clean bins. They will have to deal with rotting meat waste and juices in a container that they then have to either bring into their shop or leave on the sidewalk.

Many of Flatbush's stores are narrow with small foot prints. Few have backyards or other outdoor space for bins to be cleaned and stored. We're concerned about how and where these merchants are going to store bins. While we realize that the rule offers the option for businesses to put the bins in front of their storefronts, the idea of a line of dirty trash cans on our corridors' sidewalks is not something that will help businesses.

We urge DSNY to work with BIDs and businesses to create enticing incentives to reduce waste and develop ideas to serve DSNY's goals without making it difficult for businesses to thrive in NYC.

Sincerely,

Lauren Elvers Collins

Executive Director

Flatbush Ave. BID & Church Avenue BID

495 Flatbush Avenue, Suite C30

Brooklyn, NY 11225

FlatbushAveBID1@gmail.com

Main: 929-722-6340

Direct: 929-722-5944

Fax: 718-744-2673

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Proposed Rules for Containing Trash
Date: Friday, May 19, 2023 8:35:37 AM

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To Whom it May Concern: I live in Boerum Hill and ride my bike all around the neighborhood - for errands, to visit friends, go the gym, etc. I often (too often for comfort) see the remains of rats on the road. This obviously means there are many more rats running around that have not been hit. Also, being hit by a car is not a systemic or pro-active approach to controlling what has become a serious problem. I support the Open Restaurants initiatives but new rules need to be established to control the unattended consequences of this positive initiative.

Please enact this new ruling for the safety and well being of our community.

Thank you,

Wendy Feuer

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Public sidewalks are for the public
Date: Wednesday, June 21, 2023 4:27:38 PM

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Public sidewalks are for the public

The DSNY is proposing to amend its rules to mandate “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.”

While I applaud this proposal, I also feel strongly about reclaiming our sidewalks and object to the proposed rules for storage of the containers: "If other storage areas on the premises are not available, receptacles may be stored in the area within 3 feet of the building line on the sidewalk, provided that such receptacles are maintained in an orderly manner and do not impede or obstruct pedestrian flow on the sidewalk." The health department already requires that trash be kept in sealed containers when inside.

Such a change is not warranted; It would bring a serious degradation of the pedestrian space and quality of life for millions of commuters and tourists. Currently pedestrians are forced to walk in traffic to avoid land-grabbing restaurants that store delivery e-bikes in the public racks creating a bottleneck. A baby carriage can barely fit through. Giving away public space to private operators must be to the public good.

This proposal skirts the current approval process administered by DOT for use of the public space. Moreover, it's a band-aid approach to the problem.

How will the city ensure that the 8ft minimum of walkable space is maintained? Which department will enforce the compliance? Will there be a container size specified?

Please stop giving away our sidewalks!

Thank you,
Rod Knox

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] public trash containers
Date: Thursday, June 22, 2023 3:40:11 PM

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Manhattan's Ninth Avenue has the narrowest sidewalks in the City, thanks to Robert Moses. Already we have 'way too much 'street furniture' cluttering up our pedestrian right-of-way. PLEASE do not inflict us with 24/7 trash containers to further restrict our passage. This would particularly hamper disabled New Yorker who need electric or manual vehicles to get around town. Blind people, too, need FEWER PEDESTRIAN OBSTRUCTIONS.
Thank you for your concern,
Kathleen Treat, Chair
Hell's Kitchen Neighborhood Association

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Cc: [REDACTED]
Subject: [EXTERNAL] Sanitation changes
Date: Sunday, May 28, 2023 1:53:04 PM

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I am writing as a resident of Prospect Heights, and as a member of S.C.R.A.M. (Sterling's Committee for Rat Awareness & Mitigation). I support the proposed change in DSNY rules: that 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. In the anti-rodent activist work of S.C.R.A.M., we have found that the single-most effective method of reducing the rat population is to eliminate bags of garbage with food waste on our streets. S.C.R.A.M. agrees that businesses that produce food waste should be required to place their putrescible waste in sealed containers and thus limit potential food sources for vermin. If the restaurant or business can't fit all their waste in closed containers, they need to use additional containers not pile the bags on top of their container. Further, we hope that the City considers eliminating the floors of any outdoor dining sheds, which provide food scraps and harborage for out-of-control rat infestations. These changes will help with our overall efforts to control the burgeoning rat population and contribute to our neighborhood well being. Thank you.

Andrew Winfrey
SCRAM committee member

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Sanitation Dept Rule For Food Related Businesses
Date: Saturday, June 3, 2023 10:42:50 AM

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June 3, 2023

Goon morning,

I support the proposed rule by our City Sanitation Department. It makes sense to not only remedy an eyesore to our communities when restaurants & other food related businesses leave their trash in large plastic bags at curbside & sometimes at street corner garbage receptacles but also to prevent easy access by rats, seagulls & stray dogs breaking into the bags for food scraps.

Please approve it. Thank you.

Michael Zullo

[REDACTED]

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Testimony of the Madison Avenue Business Improvement District regarding new DSNY rules requiring food-related businesses to place their putrescible waste in sealed containers
Date: Wednesday, June 21, 2023 5:43:48 PM
Attachments: [Madison Ave BID Testimony for DSNY Rulemaking Hearing - June 22 2023.pdf](#)

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Good evening....our written testimony is attached.

Thank you for your consideration,
Matt Bauer

--

Matthew Bauer, Ph.D.
President
Madison Avenue Business Improvement District (BID)
29 East 61 Street, 3rd Floor
New York, NY 10065
212-861-2055
917-975-5281 (cell)
mbauer@madisonavenuebid.org
www.madisonavenuebid.org

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Cc: [REDACTED]
Subject: [EXTERNAL] Trash on Sidwalks - Public Comment
Date: Wednesday, June 21, 2023 12:07:28 PM

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Good morning,

I am writing to express concern about the new rules the DSNY is proposing for waste containerization. Although I support and commend the containerization piece, I believe the rules need to be amended to:

- Remove waste containers from ANY sidewalk space; AVOID this at ALL COSTS
 - Maintain the integrity of walking space on sidewalks, do NOT minimize it!
 - Even on periphery of building - waste containers need to be moved to street
- Place the containerized waste receptacles curbside, removing parking spaces
 - Unbelievable, right? Prioritize waste containerization/sanitation over public-sponsored free storage for private vehicles!
- Where feasible, move the biking lane to opposite side of the waste container
- Do NOT keep bike lanes sandwiched between the waste receptacles and the sidewalk
 - This will be dangerous for cyclists, and folks managed with trash management
 - The bike lanes will have trash juices dripping through bike lanes constantly
- In the areas with extended sidewalks; create a painted area for waste containerization OUTSIDE of the extended sidewalk area - AGAIN, removing parking spots!

These creative solutions will provide more space for the public, people of this city, and enhance the pedestrian experience. At some point or another, whether we bike, drive, run, wheel - WE ARE ALL PEDESTRIANS!! This policy must incorporate these amendments in order to be successful.

Thank you for all that you do.

--

Michael Huarachi (he/him/his)

[REDACTED]

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Subject: [EXTERNAL] Trash proposal emailed comments
Date: Wednesday, June 21, 2023 4:56:36 PM

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Hi DSNY!

I'm an Upper West Side resident and wanted to weigh in on the proposed containerization rules. I LOVE the bin plan! I live on a street with a lot of trash from both schools and restaurants, and I fear for the kids when I see rats running around in broad daylight.

I'd urge DSNY to require bins to be placed on the street, rather than on the sidewalk. Our sidewalks are already crowded, especially around school pickup/dropoff, with 6+ schools in 1.5 blocks around 61/West End Ave. There is barely enough space for strollers right now, and I can't imagine navigating around additional containers. Instead, I highly recommend using the available asphalt, even at the expense of a few parking spots. It would help our area's busy mornings and afternoons, keeping kids safe in the process.

Please let me know if you need any additional info from me.

Thanks,
Meghan

June 22, 2023

Comments of the NYC Hospitality Alliance on the Department of Sanitation's proposal to amend its rules relating to the use of certain receptacles for food-related businesses

The NYC Hospitality Alliance ("The Alliance") is a not-for-profit organization representing restaurants, bars, and nightclubs throughout the five boroughs that would be affected by the NYC Department of Sanitation's ("DSNY") proposed rule, which if adopted will require all food-related businesses to set out their waste at the curb in rigid receptacles with tight-fitting lids for commercial carter pick up.

The Alliance is a supporter of containerizing trash, and we urge food businesses to do so whenever practicable, but we strongly oppose DSNY's proposal to mandate that all food businesses do so because it is impractical or impossible for many businesses under this proposal. We conducted a survey, and a sample of nearly 400 hundred restaurants and bars replied that they'd be unable or have significant challenges complying with this proposed mandate due to lack of indoor and outdoor space, and other logistical challenges.

While some food businesses already containerize their waste, or would do so if encouraged or required, a segment of the industry has shared these valid concerns with us about their limitations, and in many cases inability to comply with this proposed sweeping mandate:

Storing Trash Containers Indoors:

Many food businesses do not have adequate indoor space to fit a bunch of large rigid garbage containers inside their small businesses, and/or carrying them through sidewalk cellar doors poses additional physical challenges to workers.

In restaurants with limited indoor space, storing large rigid dirty garbage containers inside near food preparation areas and customer seating areas is unappealing, creates nuisances, sanitary issues, and likely increases the chance of pest and vermin issues that may result in Department of Health Violations.

Storing Trash Containers Outdoors for Restaurants that Cannot do so Indoors:

Many food businesses have narrow storefronts. This mandate would force them to store a bunch of garbage containers right in front of their business blocking their windows and obstructing their storefronts.

Neighboring businesses and residential buildings will undoubtedly complain when food businesses permanently store a bunch of large rigid and smelly garbage containers right next to their entrances, as will community boards and local groups that may not want thousands of garbage cans permanently stationed in front of buildings, especially when there are multiple containers that get knocked over, strewn about at night, etc.

The City of New York is also enacting an historic outdoor dining program and if a restaurant must store their large garbage containers on the public sidewalk directly contiguous to their storefront, the space designed to be utilized as a sidewalk cafe, it will limit their ability to have a sidewalk café and place this historic program the mayor wants to make permanent in jeopardy.

Violations and Miscellaneous Concerns

Mayor Adams' Administration and the City Council have focused on education and compliance first and levying fines against small businesses as a last resort, which they do in part by incorporating warnings and cure periods for first time violations into existing and new laws and rules. Yet, this is another recent example of DSNY's failure to follow by publishing a rule that doesn't allow for warnings and/or cure periods. We find this to sharply contrast with the stated regulatory culture of Mayor Adams' Administration seeks to achieve.

Businesses that currently use garbage containers reported pedestrians opening them and leaving their own trash and recyclables in the containers resulting in fines from DSNY for not separating materials properly, so how will the agency mitigate against these unfair violations and fines to businesses?

These large garbage containers will need to be regularly cleaned to avoid health and rodent problems. Thousands of small restaurants do not have the facilities to accomplish that indoors so, our city's sidewalks will be turned into washing areas for these garbage containers resulting in dirty water runoff that result in more complaints.

The NYC Hospitality Alliance recognizes the myriad of problems with our city's current garbage collection system and supports an overhaul, but it must be achievable and doesn't create other undesirable outcomes such as replacing garbage bags placed on the curb line after 8pm for a few hours, for thousands of garbage containers permanently stationed in front of businesses across the city 24/7, which similarly seems unwieldy and unsightly. We understand that our private commercial carting system complicates trash containerization because even under the to be implemented Zone Carting system multiple carters will service an area and this poses challenges for communal containers, which the city seeks to implement for residential garbage. But even there, the city is implementing a pilot program for themselves for residential collection before mandating it citywide, but the city seeks to immediately impose this mandate on businesses without a pilot program, whose trash they aren't responsible for collecting.

We urge DSNY to slow down this process and work with the restaurant industry to get more businesses to containerize their garbage and seek solutions to the challenges we've listed. For example, this proposal doesn't even allow for a restaurant to petition the city to allow them to store the garbage containers on the curb line, parking space, or elsewhere on the block, get a waiver, or explore other options like using rodent repellent garbage bags. Furthermore, with the major transition to the Zone Carting system underway, further exploration about how containerization could work better under that scheme should be discussed. We were appointed to the Zone Waste Advisory Board and urge the city to reconvene affected stakeholders from that Board to explore possibilities and opportunities.

NYC | HOSPITALITY ALLIANCE

We strongly oppose this proposed rule as drafted, remain committed to working collaboratively with Mayor Adams' Administration, DSNY, and stakeholders to find better solutions, and we thank you for your consideration of our comments.

If you have questions, please contact our executive director Andrew Rigie at arigie@thenycalliance.org

Respectfully submitted,

NYC Hospitality Alliance

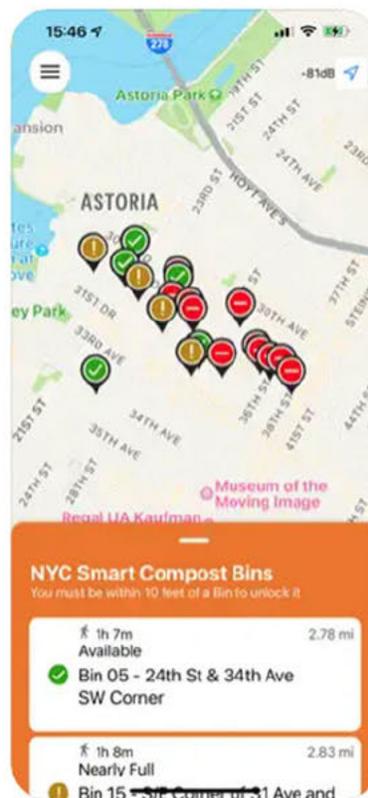
Proposed Rule Relating to the Use of Certain Receptacles by Food-Related Businesses

I think is a great Idea. I was in today's hearing and most of the concerns were address in the DSNY's Study the future of trash: [DSNY Containerization Report \(cityofnewyork.us\)](https://dsny.cityofnewyork.us/wp-content/uploads/reports/future-of-trash-april-2023.pdf)
<https://dsny.cityofnewyork.us/wp-content/uploads/reports/future-of-trash-april-2023.pdf>

What the private carting industry needs is start adopting these standards, especially the shared side loader containers. My company distributes them, as same as the equipment to pick them up. Private carters will benefit if they offer this service to their clients. It will solve most of their client concerns. The equipment is similar to the cost of what is being used now. We are open to partner with any carter that wants to implement this system.

For the costumer is easy. Take the trash out to the container any time any day, and forget about it.

The containers are about the same price, and they can include electronics that restricts the access and measures the fill level. Similar of what DSNY is already doing with their compost Smart bins and their app.



The only difference is that these containers have a much bigger capacity, 3 Cubic Yards, and can be service in less than a minute. Using these methods there is no more fines for the trash getting blown, or the trash be taken out too early.



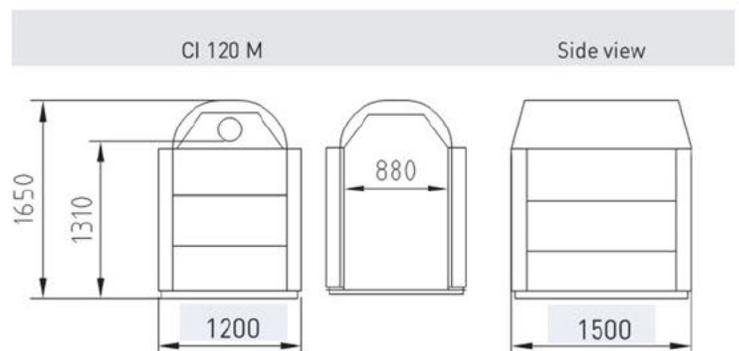
<https://youtu.be/XjSCmosoqBA>

Container fill sensors will tell the carter when to pick them up saving time and fuel. Containers can be picked up by one person, not 2, saving labor. The machine does the lifting, no need to come down of the truck in hot, cold, or rainy days. Waste can also easily be sorted in 4 different streams: waste, compost, paper & cardboard, and glass & metal. What I observe now is that restaurants divide their trash, but it all gets thrown together in the back of a rear loader.

A more simpler option is having wheeled container inside other containers, but This will end being more costly as it is less efficient. But this can be done fast as there is no need to have special trucks.



WasteTech/Villiger CI 120 M container



DSNY Report states that a side loader pilot project will take 3 years to implement. My firm can do it in 6 months.



<https://youtu.be/jSxWV1n3Szk>

DSNY report also states that to implement the side loaders there is the need for a European truck as US trucks will not work. US Trucks are capable of working with this European Systems (European Bodies). This is what is done all over the world, local truck chassis, European truck body. This is what was done in Kissimmee and Clearwater Florida in their underground container projects.



US Truck Chassis with Italian Lift and Compactor used in Florida.

DSNY report states that there are no European trucks in the USA. There are at least 2 European style trucks in the USA. Both were exhibited at the Waste Expo in New Orleans.



Mercedes Econic, UK

https://www.mercedes-benz-trucks.com/en_GB/models/econic.html



Freightliner Econic SD, USA

<https://freightliner.com/trucks/econicsd/>



Dennis Eagle, UK

<https://www.dennis-eagle.co.uk/products/olympus-rcv-range/>



Dennis Eagle, USA

<https://www.dennis-eagle.com/en/>

Regarding how much will this cost?

The truck chassis (MACK LR Diesel which is what the city currently uses), is roughly \$250,000 and the truck body and its installation is about \$200,000. Total price for the truck is around \$450,000. Containers are about \$2,000 dollars. That is 2 assembled trucks (\$900,00) and 300 containers (\$600,000) will cost \$1.5 million total. 300 container will hold 900 CY all together. This can easily be scaled up.

These equipment should last 8 years. Assuming that the trash is picked 2 times a week (2x52x900x8=748,800cy), the cost of moving one CY of waste & recycling to a container is \$2.00. if one factors that you need half the labor, and the routes will be more efficient, this should produce a net saving in time, money, diesel & labor.

I am here to help and solve any questions.

Diego Barberena, LEED AP BD+C
CEO

WasteTech
1838 Second Avenue
New York, NY 10128
www.WasteTech.US
C. 917-536-8915

From: [REDACTED]
To: [NYC Rules \(DSNY\)](#)
Cc: [REDACTED]
Subject: C.B. 13 Statement Against DSNY Proposal to Amend It's Rules Relating to Use of Certain Receptacles for Food Related Businesses
Date: Wednesday, June 21, 2023 2:24:57 PM
Attachments: [Statement against DSNY Proposal for business receptacles.pdf](#)

Good Afternoon:

Please see attached Statement from Community Board 13.

Regards,

Barbara Santonas
Community Coordinator

Community Board #13 - Brooklyn
1201 Surf Avenue, 3rd Floor
Brooklyn, NY 11224
718-266-3001

Website: <https://www1.nyc.gov/site/brooklyn13/index.page>

Visit our Facebook Page

<https://www.facebook.com/BKCB13>

Pursuant to Chapter 46, of the NYC Charter, Voter Registration forms and assistance are available in Community Board No. 13's district office.

<http://Voting.NYC>



ERIK BOTTCHEER
COUNCIL MEMBER

**THIRD COUNCIL DISTRICT OF
THE CITY OF NEW YORK**
224 WEST 30TH STREET, #1206
NEW YORK, NY 10001

TELEPHONE
(212) 564-7757

June 22, 2023

Jessica Tisch, Commissioner
New York City Sanitation Department
59 Maiden Lane, 5th Floor
New York, NY 10038

As the New York City Council Member representing District 3, which includes the Greenwich Village, Chelsea, and Hell's Kitchen, I want to applaud the NYC Department of Sanitation (DSNY) for proposing this rule amendment that mandates all food-related businesses to set out any solid waste, including refuse and organic waste, at the curb for private carter collection in rigid receptacles with tight fitting lids. This is the kind of forward thinking that we need in this city, and would go a long way to stopping our rat issues, and changing the perception of New York as a dirty city.

I am, however, concerned about the proposed rules for storage of the containers: "If other storage areas on the premises are not available, receptacles may be stored in the area within 3 feet of the building line on the sidewalk, provided that such receptacles are maintained in an orderly manner and do not impede or obstruct pedestrian flow on the sidewalk."

Sidewalk space in New York City is scarce. With the increase in outdoor dining, our efforts to plant over 1,000 new street trees and expand tree beds, and other features being added over time, there is an ever increasing amount of competition for sidewalk space. For example, on Ninth Avenue in Hell's Kitchen, food establishments occupy approximately 90% of ground floor retail spaces, so there would ostensibly could be trash receptacles every few feet for many hours of the day. Ninth Avenue is a narrow sidewalk, so adding a significant number of trash containers would likely add more congestion for pedestrians.

As an alternative, DSNY should consider allowing businesses to store containers in the parking lane, require them to store containers inside until their scheduled pickup times, or explore other alternatives to allowing containers to be stored on the sidewalk.

I commend Commissioner Jessica Tisch and DSNY for taking action to reform New York City's sanitation practices. This proposed rules amendment is a

positive step towards this goal, and I am happy to see DSNY taking this proactive step.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Sotthach", with a long horizontal flourish extending to the right.

Council Member
District 3



Community Board Ten

8119 5th Avenue • Brooklyn, NY 11209
(718) 745-6827 • Fax (718) 836-2447
Email: bk10@cb.nyc.gov
www1.nyc.gov/site/brooklyn10/index.page

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JAYNEMARIE CAPETANAKIS
Chair
JOSEPHINE BECKMANN
District Manager

June 22, 2023

New York City Department of Sanitation
125 Worth Street, Room 710
New York, NY 10013

To Whom It May Concern:

At a duly publicized meeting of Community Board 10 held on Monday, June 15, 2023, members supported the recommendation of its Environmental Committee to submit comments regarding DSNY's rule change proposal using certain receptacles for food-related businesses. I have attached a copy of their report for your perusal.

Brooklyn Community Board 10 acknowledges the city's commitment to clean up NYC streets and reduce potential food sources for rats and other vermin. However, Board Members strongly request that you consider the following feedback:

1. Past storage of receptacles/containers/dumpsters along commercial corridors have created vermin conditions. In 2002, Community Board 10 supported inclusion in DSNY Operation Dumpster after 700 residents signed a petition urging the removal of commercial dumpsters off the street to improve cleanliness and address spillage that was taking place creating conditions that attracted rats/vermin. Operation Dumpster was a five-year successful DSNY pilot program.
2. Reconsider one size fits all roll out and create a phased implementation or pilot of the container proposal starting with large scale food service businesses and assess effectiveness before moving forward.
3. 15 Food-service businesses responded to the District Office's request for feedback on DSNY's rule change proposal. Below is a summary of feedback:
 - a. Allow smaller sized food service businesses/restaurants (some refrigerate trash in heavy duty bags) to continue to place refuse for commercial carter pick up within three hours of set out time.
 - b. The storage of containers on sidewalks for some businesses is simply not possible. This is especially true for restaurants participating in outdoor dining curbside and sidewalk cafes.
 - c. The storage of containers on sidewalk will add to unsightly litter conditions as people rummage through containers looking for bottle returns.
 - d. Heavy duty bags placed neatly on the curb and collected within a short period of time are as effective if not more effective than sealed containers.
 - e. It will be difficult for certain businesses to monitor containers left on sidewalk which includes empty containers remaining after collection and before store opening (many restaurants open later in afternoon)
 - f. Several local businesses strongly urge DSNY to reconsider and make heavy duty tightly closed bags collected within a brief window an alternate option.

ANTONIO REYNOSO, BOROUGH PRESIDENT

Community Board Ten

Page - 2 -

4. The 5th Avenue BID states that food-related businesses are still bouncing back from COVID and are concerned about the added costs of the maintenance and compliance of the containers.

Therefore, the members of Community Board 10 urge you to review the above and include their recommendations in the proposed rule change.

Sincerely,



Josephine Beckmann
District Manager

cc: Hon. Justin Brannan
Hon. Alexa Aviles
5th Avenue BID
86th Street BID
Third Avenue Merchants

Introduction

The Environmental Committee Meeting met via Zoom at 6:30 pm on Tuesday, June 13th. We met in a quorum.

We met to:

- Attend a training by Stephanie Fox, an NYC Comptroller's Office representative, about the New York City Climate Dashboard. This tool includes various graphics and metrics on the city's progress toward its climate goals.
- DSNY Rule Change impacting placement of refuse for commercial businesses in containers

The NYC Climate Dashboard tracks New York City's progress in meeting our climate goals by assessing how effectively the city is reducing carbon emissions and how prepared our neighborhoods are for the impacts of climate change. Each section of the Dashboard includes key climate indicators and data on city policies and programs designed to improve those outcomes.

Stephanie provided a comprehensive presentation to help us gain a better understanding of the comptroller's office's approach and priorities for addressing climate change and a working understanding of the Climate Dashboard. The Dashboard is a portal to look at open data and different ways climate impacts our city. Climate change exacerbates underlying racial and economic inequalities, and the Dashboard is a tool to look at this through a climate justice lens.

The Dashboard is available at comptroller.nyc.gov, and we encourage board members to take a look to see how extreme heat, sea level rise, coastal storms, and rainstorms impact energy, emissions, climate finance, and resiliency.

Secondly, we reviewed the DSNY Rule Change proposal to amend its rules relating to using certain receptacles for food-related businesses. A public hearing will take place via Webex at 10 am on June 22nd, 2023. The current regulations for all commercial establishments are to set out waste and recyclable materials within one hour of closing, providing collection occurs before the establishment next opens for business, in containers with tight-fitting lids or if they are placing waste in bags, no later than 8 pm, regardless of when they close.

DSNY states that the new proposed change is needed to clean up city streets and reduce food sources for rats and that food-related businesses are large generators of putrescible waste.

The proposed rule would require all food-related businesses (catering establishments, food wholesalers, retail food stores, all food service establishments) only to place putrescible waste in rigid receptacles with tight-fitting lids, eliminating the option for bags. It does not apply to recycling materials except organic waste. The rules also set forth maintenance and storage requirements that state that if other storage areas on the premises are not available, containers or dumpsters may be stored in the area within three feet of the building line on the sidewalk as long as they are maintained in an orderly manner and do not impede or obstruct the flow of traffic.

As some may remember, in 2002, 700 Bay Ridge/Dyker Heights residents signed a petition requesting the implementation of Operation Dumpster, a DSNY program to get commercial dumpsters off the street to improve cleanliness and address the mess and vermin attracted to them. DSNY commenced a study from 1998 through 2002 and subsequently implemented the proposal citywide. Initially not widely embraced, Operation Dumpster was successful.

To quote then Commissioner Doherty: "One of the leading causes of unsightly conditions on our commercial strips is dumpsters on sidewalks...Operation Dumpster program citywide requires strict adherence to the requirements of the law regarding the place and time receptacles, containers, and dumpsters can be placed out for collection."

We recognized that bags have their own environmental impact, and both bags and containerization have pros and cons. We heard from Liz Lovejoy with the 5th Avenue BID that food-related businesses, still bouncing back from COVID, are also concerned about the added costs of maintaining the containers and compliance.

The committee discussion centered around a general agreement with containerization as a whole. Still, merchants could use support from the city, similar to the commercial organics law, requiring the largest producers to adapt first and providing more time for the smaller merchants to adapt.

MOTION:

To send a letter to the DSNY regarding the proposed rule change requiring food businesses to put out the putrescible waste for private carter collection in rigid receptacles. CB10 acknowledges the city's commitment to clean up NYC streets and reducing food sources for rats. However, the past storage of containers on sidewalks has been a problem and created conditions that attracted rats and vermin. The letter should urge DSNY to reconsider and provide commercial establishments a phased implementation of the law to allow small businesses to continue to place refuse out in heavy-duty bags to be collected within three hours of closing, similarly offered to large apartment buildings, allowing time to adapt to the new rule changes. The letter should also include comments from merchants to the CB10 district office and 5th Ave BID.

The committed voted in favor, with one recusal.

The meeting adjourned at 7:35 pm.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Tracie Britton".

Tracie Britton
Committee Chair | Environmental Committee

Testimony in Support of Food Waste Containerization Rules
By Thomas N. Toscano

My name is Thomas Toscano, and I am president of Mr. T Carting Corp.

We understand the City's goals in containerizing food waste and we support the goals fully. We mostly support the methods the City is employing.

In addition to the City's concerns regarding cleanliness, food waste is heavy and disproportionately contributes to injuries of our drivers and helpers. We have put automation devices on our trucks to reduce the lifting our drivers have to do, and containerizing food waste will help reduce the number of lifts these drivers have to perform in a night.

I ask for 2 considerations in the proposed rules. First, food establishments that have compost programs and containerize their food waste should not have to containerize the other waste, so long as it is food free. By doing this, the City will be encouraging organics diversion for businesses that are not yet required to have separate organics collection, and this change in designation will help differentiate the streams customers put out. Businesses that engage in organics programs will need less garbage pickups, and the added burden of containerizing the non-food waste will discourage the diversion goals somewhat.

The second consideration I ask for is guidance to avoid enforcement issues. If the City uses these new rules to start citing businesses for improperly placed containers, it will discourage the containerization and organics diversion. An extended educational approach by both the BIC and DSNY will be far more productive in achieving all the City's goals.

Let's work together to not only reduce rats and other vermin, but to increase organics collection and diversion. Thank you.



June 22, 2023

Testimony of the Madison Avenue Business Improvement District regarding new DSNY rules requiring food-related businesses to place their putrescible waste in sealed containers.

Thank you for the opportunity to submit our testimony. The Madison Avenue BID is dedicated to enhancing the cleanliness of our city. Our Gleam Team sweeps Madison Avenue's sidewalks and curbs, removes graffiti, and sanitizes our street furniture 365 days a year.

Prior to the establishment of this rule requiring food-related businesses to place their putrescible waste in sealed containers, there needs to be additional coordination with the NYC Department of Health and Mental Hygiene, as we are concerned that restaurants and other food-related businesses will be cited and fined for storing waste receptacles within their premises. Most food-related businesses do not have alleyways or other outdoor areas at which to store waste receptacles. Nor should we expect restaurants to line their storefronts with waste receptacle storage, as this would certainly deter prospective diners and damage the attractiveness of both our food-related businesses and of our streetscape. Moreover, storage of waste receptacles out front would prevent restaurants from operating sidewalk cafes.

Rather than mandate this new rule right now, we would be pleased to work with DSNY on a pilot program to get more restaurants to voluntarily utilize sealed containers, and learn what works and what doesn't work for waste receptacle storage.

Thank you for considering our comments.

Respectfully submitted,
Matthew Bauer, President
Madison Avenue Business Improvement District



June 22, 2023

**Comments of Nelson Eusebio
Director of Government Affairs
National Supermarket Association (NSA)**

Before the

New York City Department of Sanitation (DSNY)

Regarding

DSNY's proposal to amend its rules relating to the use of certain receptacles for food-related businesses

Good afternoon Sanitation Commissioner Tisch and Department of Sanitation representatives. Thank you for the opportunity to share testimony today on the National Supermarket Association's position toward the proposed rule relating to the use of certain receptacles for food-related businesses. My name is Nelson Eusebio and I serve as Director of Government Relations for the National Supermarket Association (NSA). NSA is a trade organization representing the interests of independently owned supermarkets in New York City and beyond. In the five boroughs, NSA advocates for more than 600 supermarkets and 15,000 employees.

NSA and our members are committed to promoting vibrant and healthy communities and deeply understand the need for sanitary disposal of garbage. While we support the intention of this rule, we feel it's important to take a nuanced approach rather than a one-size-fits-all model. In the supermarket industry, space varies widely and while larger stores may have the space to accommodate containers, this rule could pose a real hardship for many of the smaller stores. Additionally, the upkeep of containers will require much attention and will likely be the target of theft and damage, a cost that the businesses should not have to repeatedly cover. Additionally, we strongly encourage DSNY to consider protections against fines for businesses, which could further harm our supermarkets dealing with a host of other costly challenges in the city like recurring retail theft.

NSA acknowledges the many problems with the city's garbage collection system and the need to address rodent infestation, but we ask DSNY to look to past implementations and roll outs that have worked such as the organics recycling program. This will allow time to learn from

implementation and adjust accordingly. Thank you for the opportunity to share comments and we look forward to working with DSNY and the administration to bring forth better solutions for the city. Thank you.



NYS LATINO RESTAURANT BAR & LOUNGE ASSOCIATION

June 22, 2023

**Comments of Jeffrey García
President
New York State Latino Restaurant Bar & Lounge Association (NYSLRBLA)**

Before the

New York City Department of Sanitation (DSNY)

Regarding

DSNY's proposal to amend its rules relating to the use of certain receptacles for food-related businesses

Commissioner Tisch and members of the Department of Sanitation – thank you for the opportunity to submit comments and share our concerns with DSNY's proposed rule regarding the containerization of garbage for food-related businesses. I am Jeffrey García, President of the New York State Latino Restaurant Bar & Lounge Association (NYSLRBLA), which is a non-profit organization representing the interests of hundreds of Hispanic, minority, and immigrant-owned restaurants and nightlife venues throughout New York City.

While our organization recognizes the rule's attempt to address the city's current garbage and rodent infestation problem, we have many reservations about this proposed rule and the undesirable and unintended consequences that would result for our small businesses. This rule cannot be a one-size-fits-all solution to the problem.

Due to the nature of small businesses, especially restaurants in New York City, there is limited space available for the storage of rigid containers. Any space that is available, likely in a basement cellar, presents physical challenges for workers who would be required to carry these heavy containers through sidewalk cellar doors. Additionally, keeping the bins inside presents a situation in which the food preparation area could be contaminated opening a business up to sanitary issues and potential Department of Health violations, not to mention customer complaints.

NYSLRBLA also sees conflicts arising with the recent news that outdoor dining and sidewalk cafés will be made permanent by Mayor Adams. If garbage containers are required and a business must use its outdoor space for storage, this will limit the ability for restaurants to take full advantage of outdoor cafés and lead to obstructed sidewalks. Furthermore, containers left on the sidewalk would undoubtedly lead to complaints from the community as this visual of our garbage situation would be present at all hours of the day. Last but not least outdoor containers subject a



NYS LATINO RESTAURANT BAR & LOUNGE ASSOCIATION

business to fines as pedestrians inevitably leave their own trash in the bins. It is unfair to mandate this rule on businesses without flexibility and alternatives.

The New York State Latino Restaurant Bar & Lounge Association urges the Department of Sanitation to reconsider this rule and collaborate with the restaurant industry to find a solution that better fits the needs and logistical challenges of restaurants and nightlife venues. Thank you for the opportunity to share our thoughts and for your consideration.

This is why we need containerized trash.



To whom it may concern,

We are Diverse Recycling Solutions, LLC, a licensed waste hauling brokerage and recycling consulting firm. Our clients are a range of businesses of varying size across the five boroughs seeking to improve their recycling efforts, exceed all local, state and federal recycling regulations while receiving the most efficient service available in the market. While we welcome initiatives to improve New York City's waste management system and control rats, this proposed rule would place an undue burden on businesses and should not be enacted as designed.

Current trash hauling trucks on the market, which are providing service on a daily basis in New York City, are faced with challenges due to the lack of space on city streets, which means that trash bags will have to be fully removed from receptacles manually by workers, which in turn will lead to receptacles not being completely emptied which will further attract, not repel, rats.

Also, the rule states that businesses lacking sufficient space to store receptacles elsewhere may store them on the sidewalk within three feet of the business's property line as long as the receptacles do not impede pedestrian flow on the sidewalk, but this cannot work for all businesses. No thought is given to situations where businesses have nowhere to store receptacles other than the sidewalk but there is not enough room on the sidewalk to store receptacles without impeding pedestrian flow. Many of the city's older, narrower streets will become impassable, and bin sheds are not viable in these areas, especially with the addition of CitiBikes and bicycle lanes. These businesses have no way to obey the law, and these crowded streets pose a hazard to pedestrians and cyclists.

This law also has not taken into consideration the impacts of illegal dumping. DSNY has removed the majority of the waste and recycling bins from NYC streets, yet this does not address the issue of waste being generated. Instead, people either litter or illegally dispose of their waste in any bins that they find, whether they be commercial or residential. This law has no leeway for the victims of illegal dumping, and businesses will face fines for errors that are not theirs.

There are other ways in which the receptacles themselves could become rat attractions and a public safety hazard. Businesses might not have the space or available labor to clean and maintain receptacles, which will cause them to break and become unusable, or get dirty and attract rats. Also, there are no specifications on what qualifies as a "tight-fitting lid" in the proposed rule, so businesses could mistakenly purchase a bin with a lid that could be described as tight-fitting but be insufficient to keep out rats, who will then be in the receptacle, causing a safety hazard for businesses and trash haulers, and could jump out of the receptacles at passersby, creating a safety hazard. Finally, trash bin lids often get lost or broken during pickups in New York City, and so businesses will have no lid for their bins, resulting in a rat attraction that encourages the rats to stay in the receptacles, or they will have to order new lids, which would be a major undue financial burden.

In summary, we urge DSNY to rethink this law, and rat control initiatives in general, with businesses in mind. We applaud New York City's new food-related commercial and residential composting requirements and believe that these will be much more effective at blocking rats' access to food waste due to the sturdy vermin-proof design of composting bins (provided by haulers) and the success thus far of composting programs in the city. There are also other ways to reduce the populations of rats roaming the streets that do not pose undue burdens on trash-generating businesses such as exterminating rat colonies at construction sites before beginning construction (which avoids the displacement of colonies to the city streets). Thank you for your time and attention and we look forward to being an active participant in bettering our city.

Proposed Rule Relating to the Use of Certain Receptacles by Food-Related Businesses

 rule cityofnewyork u /rule/ et out of putre cible olid wa te in rigid receptacle with tight fitting lid /



Rule status: Proposed

Agency: DSNY

Comment by date June 22, 2023

[Rule Full Text](#)

DSNY-Proposed-Rule-re-Use-of-Certain-Receptacles-by-Food-Related-Businesses-Wlth-Certifications-and-Hearing-Information.pdf

The Department of Sanitation is proposing to amend its rules relating to the use of certain receptacles for food-related businesses.

Attendees who need reasonable accommodation for a disability such as a sign language translation should contact the agency by calling [1 \(646\) 885-4996](tel:16468854996) or emailing eluna@dsny.nyc.gov by **June 15, 2023**

Send comments by

Public Hearings

Public Hearing

Date

June 22, 2023

10:00am - 11:00am EDT

Location

Connect Virtually

<https://tinyurl.com/msrtuwnt>

Meeting number: 2633 454 3939

Password: 3qYT9aneEJ7 (37989263 from phones and video systems)

Join by video system

Dial 26334543939@webex.com

You can also dial 173 243 2 68 and enter your meeting number

Join by phone

+1-408-418-9388 United States Toll

Access code: 263 345 43939

Disability Accommodation

Comments are now closed.

Online comments: 102

James Romanelli

Can the rule be extended for all commercial businesses, regardless of if they are related to food, put their trash in receptacles. It should also be added that receptacles are removed from the street or sidewalk by 8am the next morning.

Comment added May 18, 2023 3:12pm

Matthew Suozzo

Just make sure it costs as little to businesses as possible, are low enough that they won't tip over, and have reflectors so when they inevitably get pushed into bike lanes people won't get hurt.

Comment added May 18, 2023 3:44pm

Joseph Ghezzi

Dear city officials. One of the most effective measure you should be considering in the never ending battle against rodent infested streets is removing the rat motels (outdoor dining structures) that provide ideal harborage conditions for the rodents. All these other measures, later put out times for garbage, this proposal, are like trying to plug a dam fissure with a finger. The massive increase in observed rat population correlates almost perfectly with the erection of the structures. They served their purpose during the pandemic. Their time is gone. Every time I've witnessed one of these structures demolished a little colony of rats has scurried away from them. Wake up. Get rid of their habitats and you might get s handle on the issue.

Comment added May 18, 2023 9:50pm

Joseph Ghezzi

One of the most effective measure you should be considering in the never ending battle against rodent infested streets is removing the rat motels (outdoor dining structures) that provide ideal harborage conditions for the rodents. All these other measures, later put out times for garbage, this proposal, are like trying to plug a dam fissure with a finger. The massive increase in observed rat population correlates almost perfectly with the erection of the structures. They served their purpose during the pandemic. Their time is gone. Every time I've witnessed one of these structures demolished a little colony of rats has scurried away from them. Wake up. Get rid of their habitats and you might get a handle on the issue.

Comment added May 18, 2023 9:52pm

Alice S

The new rules will be a logistical nightmare for most businesses as there is no place to store numerous containers inside. Allowing these disgusting dumpsters to be in front within 3 feet of the restaurant is a ridiculous idea. They will be blocking sidewalks, get sprayed with graffiti, and they will smell. There is no way that these will be kept clean as pedestrians will start dumping garbage into these containers, making a mess for many small businesses. Many small restaurants have just 15-20 feet of frontage in my neighborhood, and some blocks have 3 or 4 restaurants or food establishments. How will all these containers fit on sidewalks? We don't have a rat problem in Bay Ridge. Some restaurant owners I know already tried a wheeled container with a lid, and it became a rat motel. The rats can get into containers, and it's not going to solve the rat issue. Time Square did a pilot with containers for their trash cans, and it didn't go well. Why does the city continue to push a one-size-fits-all for a problem that is largely confined to high-density areas like Manhattan and some neighborhoods in the outer boroughs?

Comment added May 18, 2023 10:07pm

Johncaro

It's a good idea for businesses in stores to use trashcans for the garbage. Call Rob population; it's impossible to live. What are rats, and they're dangerous.

Comment added May 19, 2023 1:17am

Teresa Solomita

I live in Prospect Heights and cannot walk without seeing rats, dead or alive, especially on the evenings that restaurants and food establishments put out their trash in overloaded garbage bags. Please enact this new ruling for the safety and well-being of our community.

Comment added May 19, 2023 7:33am

Brian Rifkin

This rule is so eminently sensible. I support it 100%. It's in fact outrageous that NYC is still in the position of putting trash bags filled with food on the street curb. Please implement this as soon as possible, and then continue toward real containerization infrastructure across the city at the expense of a small fraction of free parking spots.

Comment added May 19, 2023 8:40am

Julie Lang

I live in Boerum Hill Brooklyn and cannot walk without seeing rats, dead or alive, especially on the evenings that restaurants and food establishments put out their trash in overloaded garbage bags. Please enact this new ruling for the safety and well being of our community.

Comment added May 19, 2023 8:53am

Rocco Rella

Now this regulation makes sense!! I often see torn garbage bags placed next to outdoor eating sheds, rats don't need to go that far for food. Enacted immediately.

Comment added May 19, 2023 5:00pm

Frances Dirks

I live in _Carroll Gardens Brooklyn and cannot walk without seeing rats, dead or alive, especially on the evenings that restaurants and food establishments put out their trash in overloaded garbage bags. Please enact this new ruling for the safety and well being of our community.

Comment added May 19, 2023 5:02pm

Heather Hamilton

I strongly support this new rule. This is a very important and much needed change to help deal with disturbing and unhealthy rat population explosion in our neighborhood. Trash needs to be contained. Thank you for your help!

Comment added May 22, 2023 12:00pm

Jason Dumelie

There isn't enough space on sidewalks for restaurants to put more garbage there. These are heavily used spaces and restricting them makes it even more difficult for people with challenges walking.

On the other hand, parking is socially harmful. If DSNY is allowing restaurants to put their garbage out, it should specifically be in parking spaces, not on the sidewalk.

Comment added May 25, 2023 5:11pm

James L

The proposed rules sound terrible for restaurants in NYC. First off aesthetically, having trash cans all over the place is going to look ridiculous. Secondly, there is no place to store them inside. Most of us are on leased space with only so much room. Having to store and move trash cans inside and out is a logistical nightmare and puts an unfair burden on hard working business owners in the restaurant industry. Lastly, the cost of doing this is going to be significant. Restaurants are already struggling after COVID, so to add this cost would be punitive to an industry that is still trying to make up for years of lost revenue that hasn't even returned. I would STRONGLY discourage the city from passing this. You're just hurting the industry if you pass it.

Comment added May 25, 2023 5:57pm

Erick C

This idea is just as terrible as changing the put out times . People create trash and with more people there is more trash, what needs to be done is opposite of all of these ideas. Remove or stop setting up city bikes. Also no to putting trash cans in cars places and doing away with trash bags how will buildings with compactors like high rises get their trash out???? You seem to be fixated on rats but forgetting that rats are still finding food and all that is being done is making more space for restaurants trash now . So why we're overall put out trash times changed if restaurants can put their trash out all day?? We changed the menu for the rats is what this now does ??? So now we go from building trash to definite food waste which is what the rats want???????? Please make this make sense

Comment added May 25, 2023 8:08pm

Erick

Dear city officials. One of the most effective measure you should be considering in the never ending battle against rodent infested streets is removing the rat motels (outdoor dining structures) that provide ideal harborage conditions for the rodents. All these other measures, later put out times for garbage, this proposal, are like trying to plug a dam fissure with a finger. The massive increase in observed rat population correlates almost perfectly with the erection of the structures. They served their purpose during the pandemic Their time is gone Every time I've witnessed one of these structures demolished a little colony of rats has scurried away from them. Wake up. Get rid of their habitats and you might get s handle on the issue.

Comment added May 25, 2023 8:14pm

Carol Morrison

I am writing in support of proposed change in DSNY rules that 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.

I lead the Prospect Heights Rodent Task Force—initially created to address the gross rat infestation on Lincoln Place between Underhill and Washington. After our group's first meeting we realized there was a significant problem throughout 11238. And then the NYC RAT PORTAL <https://www.nyc.gov/site/doh/health/health-topics/rats-page> corroborated our lived experience. Prospect Heights (11238) has the dubious distinction of having the most 311 calls for rodents. (The most infested section of our zipcode—from Eastern Parkway to Park Place between Washington Ave and Underhill)—is overrun by rodents.

11238 today, post pandemic has an overwhelming rat problem of epic proportions with stories to match.

In 11238, there are rats found in car engines year round, burrows throughout our precious street tree pits, infestations in local restaurant basements, in abandoned cars, rats running across people wearing flip-flops, and unchecked rat colonies growing under outdoor food huts and parks Anyone reading this welcome to join me on a night walkthrough on Lincoln Place or the (grossest of the gross) St Johns Place between Underhill and Washington to find real time corroborating evidence of the infestation

We realize that NYC has no comprehensive strategic plan with regard to rodent control—so no one agency can (or does) take responsibility—but be clear NYC is still facing this epidemic without a meaningful strategy and that must change Hopefully Kathleen Corradi, the city's citywide director of rodent mitigation and the formidable Carolyn Bragdon, Director of Neighborhood Interventions, Bureau of Veterinary & Pest Control Services Division of Environmental Health, New York City Department of Health & Mental Hygiene along with the leadership of Department of Sanitation, Commissioner Jessica Tisch will develop an coordinated interagency strategic plan (Let's think global warming and rats reproducing 12 months a year to inspire some enthusiasm for a coordinated interagency strategic plan)

However, as developers continue to ravage our city infrastructure and restaurant outdoor eateries leave a 24 hour smorgasbord for rats (I am pro-restaurants just anti-rats) , one helpful policy addition would be that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin

I am in full support of this measure.

Carol Morrison
Prospect T Heights rat Task Force
11238

Comment added May 27, 2023 1 15pm

Judith Anne Pruden

voting for waste pick up..

Comment added May 27, 2023 7:59pm

Carey Tan

I am writing in support of a proposed change in DSNY rules that all food related businesses must set out any organic waste at the curb in rigid receptacles with tight-fitting lids. I am a resident of Prospect Heights and I believe that this simple rule change would make a big difference in my neighborhood's rat problem. We all know that rats' easy access to organic waste is the #1 contributor to their out-of-control population growth, so it makes total sense that food waste should be kept in sealed containers, where the rats can't access it. In fact, I believe that residential organic waste should likewise be kept in rat proof containers, so I'm eagerly awaiting the rollout of a citywide trash containerization plan. In the meantime, I believe that this rule change pertaining to food-related businesses will make a noticeable improvement in our city's rat problem.

Comment added May 28, 2023 9:46am

Jesse Hendrich

We are overrun by rodents.

I am writing as a resident of Prospect Heights, and a member of S.C.R.A.M. (Sterling's Committee for Rat Awareness & Mitigation). I support the proposed change in DSNY rules: that 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. In the anti-rodent activist work of S.C.R.A.M., we have found that the single-most effective method of reducing the rat population is to eliminate bags of garbage with food waste on our streets. S.C.R.A.M. agrees that businesses that produce food waste should be required to place their putrescible waste in sealed containers and thus limit potential food sources for vermin. In addition to this important rule change, we hope further that the City considers eliminating the floors of any outdoor dining shed, which provide food scraps and harborage for out-of-control rat infestations.

Comment added May 28, 2023 10:54am

Teresa

See my attached document. This illustrates the reason we need containerized trash in NYC.

This is obviously one solution to a problem that requires a systemic approach. Let's at least get this done.

[Comment attachment](#)

Proposed-rules-comment.docx

Comment added May 28, 2023 4:00pm

Suzette Sundae

For the love of God it's about damned time!

Comment added May 29, 2023 9:56am

Liza F Kuritsky

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and have multiple restaurants near my home. Walking home after dark, the only way to avoid a rat encounter while walking past the restaurants when garbage is out is to literally walk in the street to avoid them. Obviously not a desirable option as that leads to other types of real risk of injury. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added May 29, 2023 7:45pm

Kate Huyett

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and rats are a major issue in our neighborhood. I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added May 29, 2023 7:56pm

Bryce Covert

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and our rat infestation levels are like nothing I've ever seen in my two decades of living in New York City. The only effective and sensible way to fight the problem is to put garbage in rigid containers with lids. This also has another important benefit: clearing sidewalks for pedestrians, especially those with wheelchairs and strollers, and making our city cleaner and less smelly when we don't have rotting piles of garbage bags strewn all over our sidewalks and streets.

Comment added May 30, 2023 8:27am

Megan Hertzig-Sharon

I am writing as a resident of Prospect Heights, and as a member of S.C.R.A.M. (Sterling's Committee for Rat Awareness & Mitigation) I support the proposed change in DSNY rules: that all food-related businesses must set out food waste at the curb for private carter collection in rigid receptacles with tight-fitting lids. In the anti-rodent activist work of S.C.R.A.M., we have found that the single-most effective method of reducing the rat population is to eliminate bags of garbage with food waste on our streets. S.C.R.A.M. agrees that businesses that produce food waste should be required to place their waste in sealed containers and thus limit potential food sources for vermin. If the restaurant or business can't fit all their waste in closed containers, they need to use additional containers not pile the bags on top of their container. Thank You

Comment added May 30, 2023 8 34am

jillian steadman

Hello,
I am a member of SCRAM, we are overrun by rodents, we support this sanitation rule change! Our block in prospect heights was horrible and we have seen real change since asking neighbors to use cans! I would love to feel at ease again while walking in the evening!! Please!
Thank you
Jillian Steadman(member of SCRAM)

Comment added May 30, 2023 9:12am

Kamy Wicoff

As a member of my block association's rat prevention committee, I can attest that NOTHING is as effective in reducing the rat population than eliminating their food source. We have worked hard to educate and support our neighbors and have seen big improvements from getting more residents to use cans with tight-fitting lids, but without support from the city and guidelines (and consequences) for the biggest producers of food waste—restaurants—we have absolutely no hope of turning this issue around. Please add your authority and your leadership to our grass roots efforts and pass, and enforce, this rule! It also seems that the city has the duty to pitch in to help make this affordable and doable for restaurants.

Comment added May 30, 2023 10:29am

Zachary Halbrecht

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and rats ate my car's engine wiring last summer! A costly and inconvenient repair. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin

Comment added May 30, 2023 10:35am

Art Chang

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and.. [insert story about rats, and perhaps the role of restaurant garbage or copy and paste my testimony highlighted below] And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin

Comment added May 30, 2023 10:41am

Ellen Edelman

I am a member of our block association's rodent mitigation committee (SCRAM). We are overrun by rodents. Individual home owners on our block are making efforts to eliminate rats, such as having trash cans with lids, but we get little support from local businesses (landlords and restaurants especially). We need the City to back us up. That is why I strongly support this sanitation rule change!

Comment added May 30, 2023 11:45am

Mary Shuford

I am writing in support of proposed change in DSNY rules that 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. I have been a resident of Prospect Heights for over 50 years. Prior to 2020, I had NEVER seen rats running in our streets or, worse yet, in our backyard gardens. Since then, increasingly we not only see evidence of rats in our backyards (and sometimes the rats themselves), but there is no time when I walk the streets that I do not see at least 1 rat scurrying along the sidewalk or from the curb into buildings.

Our block association on Sterling Place between Washington and Underhill Avenues has established protocols for enclosing all household garbage in rat-proof garbage cans with lids, both when it is alongside our buildings and when we put it out for collection. We also have alerted our neighbors to be on the lookout for rats nesting in their tree beds, planters, or under their stoops. When evidence is discovered, efforts are made to disrupt the burrows. We have had some success in reducing the rat population on our block, but the fact that restaurants, stores, and other businesses on the cross streets do not contain their garbage erodes our efforts to control our rat population.

For these reasons, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Thank you for your consideration.

Mary Shuford

Comment added May 30, 2023 12:49pm

Michela Galante

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and rats are a huge problem in my neighborhood. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added May 30, 2023 1:17pm

Kate Caldwell

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and I support the tremendous work being done by my neighbors to reduce the infestation of rats that we have by reducing rat access to edible waste further and further. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added May 30, 2023 1 33pm

Lucas Hendrich

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Brooklyn And so, I agree that a business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin

Comment added May 30, 2023 2:14pm

Daniel Evans

Dear city officials – as a long-time city resident, in the late evenings I have often had to navigate the sidewalk between a restaurant and it's pile of bagged waste, and am used to having to steel myself to the almost inevitable rat confrontation that ensues Sometimes you just hear the rat(s), sometimes you see them frolicking on the pile, sometimes they get spooked and come out like a wave right at you Requiring commercial locations to dispose of food waste in a way that will limit such waste from becoming a rodent food source is a net win for the public and public health.

Comment added May 30, 2023 2:30pm

Roy Abir

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and see how rats “took controls” of the neighborhood especially during the evening and nights. This also affect the cleaning less of the neighborhood as garbage bags are open after a night of rats’ feast and sidewalks are full of organic waste. And so, I agree that a business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added May 30, 2023 2:49pm

Tara Prout

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and in 11238, there are rats found in car engines year-round, burrows throughout our street tree pits, infestations in local restaurant basements, in abandoned cars, rats running across people wearing flip-flops, and unchecked rat colonies growing under outdoor food huts and parks. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added May 30, 2023 4:05pm

Scott Dvorin

We have an overwhelming rat problem in Prospect Heights and throughout the rest of the city. I strongly believe limiting their access to food from restaurant garbage left in bags on the street will go a long way to alleviating the issue. Let’s close the all-they-can-eat buffet for rats outside of restaurants

Comment added May 30, 2023 4:24pm

Ben

Dear city officials. One of the most effective measure you should be considering in the never ending battle against rodent infested streets is removing the rat motels (outdoor dining structures) that provide ideal harborage conditions for the rodents. All these other measures, later put out times for garbage, this proposal, are like trying to plug a dam fissure with a finger. The massive increase in observed rat population correlates almost perfectly with the erection of the structures. They served their purpose during the pandemic Their time is gone Every time I've witnessed one of these structures demolished a little colony of rats has scurried away from them. Wake up. Get rid of their habitats and you might get s handle on the issue.

Comment added May 30, 2023 7:43pm

Christine Blackburn

I am writing in support of proposed change in DSNY rules that 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 I am a resident of Fort Greene for over a decade and I have experienced a terrifying and unsafe level of increase in the rat population The dining sheds on our street are full of living and dead rats and I've paid over \$5000 just to mitigate burrows on my property which were caused by the rats eating restaurant food waste . Rats run over my kids feet as we try to enter our home on a regular basis And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin

Comment added May 30, 2023 9:01pm

John S

The proposed rule puts undue burden on restaurant owners who are still struggling after the pandemic. Firstly, the rule will mandate owners to pay out of pocket for these costly bins. Many restaurants put out dozens of garbage bags and will require a dozen garbage bins. Will the city reimburse them for these costs? Secondly, where will owners store these bins when not in use? There is absolutely no space or backdoor alleys for storing these bins. The bins, in the dozens, will remain on the sidewalk and be an eyesore for the business front. They will no doubt be a target of theft and vandalism. This proposed rule, in addition to the recent rule change to put out garbage later, puts great undue burden on business owners still struggling post-pandemic. I do not support this proposal and urge officials to look at alternative methods.

Comment added May 31, 2023 10:45am

Maya Lundhagen

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and know that as much as residents try to eliminate food sources for rats, we'll continue to have a significant rodent problem unless businesses do the same. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added May 31, 2023 12:06pm

Anthony Verde

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Carroll Gardens. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added June 1, 2023 10:05am

kathryn glass

I'm writing to support the proposed DSNY rules that 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. I live in Prospect Heights, where the rat population has exploded since outdoor eateries have been up and down Vanderbilt Avenue. Please, please help our neighborhood curtail the rat population; small businesses have a manifest interest in protection the communities they serve and profit from. Kathryn Glass

Comment added June 1, 2023 1:52pm

Michelle French

I am writing in support of proposed change in DSNY rules that 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. I have resided in Prospect Heights for more than 20 years, and the rats have become increasingly present in streets, gardens, alleys, basements, sidewalks, car engines, etc. We have put in a lot of effort to rat-proof our building as have many of our neighbors, but these efforts are almost futile as long as the restaurants on nearby Washington Ave and Vanderbilt Ave continue to provide ample food for rats by leaving garbage in bags on the sidewalk. I have many rat sightings and stories, from just this year, including seeing own block's version of "pizza rat" transporting a giant slice of pizza across the front of several apartment buildings, and sitting inside a Prospect Heights restaurant by the window and seeing multiple rats animating (digging around inside) the restaurant's garbage bags right outside the window – very unappetizing. I agree that a business that produces food waste should be required to place their waste in vermin-proof containers to put an end to the rat buffets.

Comment added June 1, 2023 7:43pm

Erin Kelly

I live in Gowanus and cannot walk without seeing rats, dead or alive, especially on the evenings that restaurants and food establishments put out their trash in overloaded garbage bags. Please enact this new ruling for the safety and well being of our community.

Comment added June 2, 2023 6:17pm

Pete Simon

Put a lid on it!

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and am sick of seeing the more concentrated rat activity around less-than-good-neighbor restaurants nearby. And so, I agree that a business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added June 3, 2023 9:27am

Anurag Heda

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and there are rats all over the place hurting our local businesses. And so, I agree that a business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added June 5, 2023 9:52am

Brooklyn Property Manager

We support DSNY's proposed containerization rule. As Brooklyn Property Managers for the past 19 years (<http://BrownstoneMgt.com>), we have mitigated rat conditions for many property owners. Containerization is a logical and guaranteed way to keep rats away from food waste, assuming the containers are indeed rat-proof. Plastic garbage cans, and cans that can rot and develop holes are not appropriate for stopping rats in our opinion as these pernicious rodents can chew thru most materials, but not thick aluminum. We recommend a rust-proof all-aluminum container like <https://BrownstoneBin.com/>

[Comment attachment](#)
rat-proof-container.pdf

Comment added June 5, 2023 11:59am

Kate Foster

This will be impossible for small food businesses as mine. We have no room to store additional trash receptacles when not in use outside. This will also invite people to toss their garbage into these receptacles, making more messy work for us to clean up.

If the city wants to mandate the use of receptacles, they should be provided and maintained by the city. The proposed law as it stands would create a hardship for small food businesses with limited space indoors and on our sidewalks.

Comment added June 7, 2023 4:39pm

Av

Hi,

Although, I love the initiative and the goal behind this proposal but how do you protect Small Business owners such as myself from theft or damage of these containers that we will have to leave out on the street overnight? Not to mention the small sidewalks that most businesses are sitting in front of.

Comment added June 8, 2023 11:58am

Bill Keays

Please pass this long overdue rule to make our City a better place to live for everyone. Aside from the obvious, that large piles of trash outside of restaurants attract rat colonies, the trash is unsightly, stinky and a presents the City in the poorest possible light to both residents and visitors. Would you want to live in or visit an apartment with stinky, smelly trash (and potentially roaches or other vermin) piled up in a corner of the apartment? Of course not! So why should any citizen (or visitor) tolerate such conditions while walking down the streets of our great City? Aside from the benefits of removing the sight and smell of this trash (largely composed of food waste), from public view; it will have the the highly desirable outcome of reducing the current rat infestation of our City, which we can all agree, has gotten way out of control. Therefore I strongly urge you to support this rule change by the Department of Sanitation. Please show you are committed to making tNew York City a better place to live and visit for everyone.

Comment added June 9, 2023 9:54am

c m

During the day, I've seen rats run from outdoor sheds to hide behind storefront signs, climbing up wires to get to those sanctuaries.

I've seen rats running down streets and crossing large avenues.

I've seen rats running into the basement of my building [partly because the rats are feasting on trash at nearby restaurants and the many outdoor sheds, partly because people open up garbage bags looking for whatever and partly because they have access into the building and the management doesn't keep our basement trash containers secure]. This is a multi-pronged issue that requires both business and residences and government to get involved and to ENFORCE ANY REGULATIONS THEY ADMINISTER.

Comment added June 14, 2023 10:38am

Kate Gardner

I am writing in support of proposed change in DSNY rules that 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. I am a resident of Prospect Heights and.. [insert story about rats, and perhaps the role of restaurant garbage or copy and paste my testimony highlighted below]. And so, I agree that any business that produces food waste should be required to place their waste in sealed containers to limit potential food sources for vermin.

Comment added June 15, 2023 9:24pm

Raquel Smith

Public space is crucial to public health and putting trash in bins, and containerizing it in general, is a concrete way to mitigate New York's rodent population. Safe and healthy public space looks like swept streets and sidewalks, free from rats, and having trash in bins. This proposed rule helps achieve this vision.

Comment added June 21, 2023 5:27am

D J

I live in Brooklyn, a few doors down from a deli that closes at 5pm. Most days, the deli leaves a small mountain of trash in bags that spill open, attracting rats throughout the evening. Though I have notified DSNY of the problem, the deli is entitled, legally, to leave their trash for a commercial trash collector, which damages the quality of life for the other residents of the block. Stricter rules are necessary. No other city in America approaches its trash collection in this way. I support these rule changes — and ongoing efforts to containerize residential trash, which also contributes to the problem — wholeheartedly.

Comment added June 21, 2023 11:55am

VIJAY GHEI

We are writing to express our vehement opposition to the proposed containerized garbage disposal bins in New York City. We believe that these bins would have a number of disastrous consequences including:

Massive loss of parking spaces: The bins would require a colossal amount of street space, which would lead to the loss of thousands of parking spaces in many neighborhoods. This would be catastrophic in densely populated areas, where parking is already scarce.

Severe traffic congestion: The bins would also lead to severe traffic congestion, as trucks would need to access the bins more frequently to collect the garbage. This would make it impossible for people to get around, and would also significantly contribute to air pollution.

A breeding ground for rodents and pests: The bins would provide a fertile breeding ground for rodents and other pests, which would pose a serious health hazard to residents. This is especially concerning in light of the city's ongoing rat problem.

An eyesore and a fire hazard: The bins would be hideous and would severely degrade the city's aesthetic. They would also be a serious fire hazard, as they would be difficult to access in the event of a fire.

We humbly request that you protect the already struggling fast food businesses from going out of business. During the COVID-19 pandemic, we were the ones who fed the majority of the city's population. We even donated food to first responders. Now, the city is repaying us with heavy fees and penalties. These fees and penalties have been levied on our businesses through various channels, such as increased city parking fees, FDNY license fees, DOB fees, Fair Workweek penalties and fines, and now this new proposed regulation.

We all want a clean city, and we love the idea of containerized garbage. However, we believe that this new regulation will put an undue burden on fast food businesses. These businesses are already struggling to make ends meet, and this new regulation will only make things worse.

We urge you to reconsider this regulation and find a way to protect fast food businesses while still keeping the city clean. We believe that there is a way to do both, and we are willing to work with you to find a solution.

Thank you for your time and consideration.

Comment added June 21, 2023 12:24pm

Scott Fitzgerald

I think curbside bins for restaurants would be a massive boon for the city on multiple levels, but they will only be effective if they do not impede pedestrian traffic. On my block in Brooklyn, there's already precious little space for people on foot to navigate the jumble of fences, motor bikes parked on the sidewalk, and trees. Please don't replace one issue with another.

Cleaning up our trash and reducing the access rodents and vermin have to our waste is an amazing thing, but it belongs on the curb in the street not on the sidewalk. Emptying these bins over or around parked cars is a recipe for disaster. Trash placed in the curb lane are the best use of public space for this endeavor.

Comment added June 21, 2023 3:44pm

Johnathan Garrison

Please don't place them on sidewalks. Make them permanent and take parking spots instead. Most New Yorkers do not drive or own cars.

Comment added June 21, 2023 5:18pm

Jessica Caron

To whom it may concern,

We are Diverse Recycling Solutions, LLC, a licensed waste hauling brokerage and recycling consulting firm. Our clients are a range of businesses of varying size across the five boroughs seeking to improve their recycling efforts, exceed all local, state and federal recycling regulations while receiving the most efficient service available in the market. While we welcome initiatives to improve New York City's waste management system and control rats, this proposed rule would place an undue burden on businesses and should not be enacted as designed.

Current trash hauling trucks on the market, which are providing service on a daily basis in New York City, are faced with challenges due to the lack of space on city streets, which means that trash bags will have to be fully removed from receptacles manually by workers, which in turn will lead to receptacles not being completely emptied which will further attract, not repel, rats.

Also, the rule states that businesses lacking sufficient space to store receptacles elsewhere may store them on the sidewalk within three feet of the business's property line as long as the receptacles do not impede pedestrian flow on the sidewalk, but this cannot work for all businesses. No thought is given to situations where businesses have nowhere to store receptacles other than the sidewalk but there is not enough room on the sidewalk to store receptacles without impeding pedestrian flow. Many of the city's older, narrower streets will become impassable, and bin sheds are not viable in these areas, especially with the addition of CitiBikes and bicycle lanes. These businesses have no way to obey the law, and these crowded streets pose a hazard to pedestrians and cyclists.

This law also has not taken into consideration the impacts of illegal dumping. DSNY has removed the majority of the waste and recycling bins from NYC streets, yet this does not address the issue of waste being generated. Instead, people either litter or illegally dispose of their waste in any bins that they find, whether they be commercial or residential. This law has no leeway for the victims of illegal dumping, and businesses will face fines for errors that are not theirs.

There are other ways in which the receptacles themselves could become rat attractions and a public safety hazard. Businesses might not have the space or available labor to clean and maintain receptacles, which will cause them to break and become unusable, or get dirty and attract rats. Also, there are no specifications on what qualifies as a "tight-fitting lid" in the proposed rule, so businesses could mistakenly purchase a bin with a lid that could be described as tight-fitting but be insufficient to keep out rats, who will then be

in the receptacle, causing a safety hazard for businesses and trash haulers, and could jump out of the receptacles at passersby, creating a safety hazard. Finally, trash bin lids often get lost or broken during pickups in New York City, and so businesses will have no lid for their bins, resulting in a rat attraction that encourages the rats to stay in the receptacles, or they will have to order new lids, which would be a major undue financial burden.

In summary, we urge DSNY to rethink this law, and rat control initiatives in general, with businesses in mind. We applaud New York City's new food-related commercial and residential composting requirements and believe that these will be much more effective at blocking rats' access to food waste due to the sturdy vermin proof design of composting bins (provided by haulers) and the success thus far of composting programs in the city. There are also other ways to reduce the populations of rats roaming the streets that do not pose undue burdens on trash-generating businesses such as exterminating rat colonies at construction sites before beginning construction (which avoids the displacement of colonies to the city streets). Thank you for your time and attention and we look forward to being an active participant in bettering our city.

Comment attachment

Public-Comment---DSNY-Proposed-Rule-Relating-to-the-Use-of-Receptacles-by-Food-Related-Businesses.pdf

Comment added June 21, 2023 7:33pm

Tanay Jaipuria

While I appreciate the efforts to remove trash bags from the sidewalks, I believe that simply replacing them with permanent bins without considering pedestrian safety and efficient garbage collection is not an ideal solution. Therefore, I urge you to prioritize pedestrians and consider placing the bins in the curb space instead.

One of the primary issues with the current approach is that it does not contribute to creating pedestrian-friendly sidewalks. In areas with already narrow sidewalks, the addition of bins on the sidewalk will further hinder the movement of pedestrians. This creates unnecessary obstacles and can be particularly challenging for individuals with disabilities, parents with strollers, or elderly residents. It is essential that we do not replace one problem with another and ensure that our sidewalks remain accessible for everyone.

I propose that containers for restaurant trash be placed in the curb lane rather than on the sidewalk. This approach not only allows for adequate space for pedestrians but also facilitates more efficient garbage collection. Emptying containers over or around parked cars, as a possible alternative, is not reasonable and may lead to additional complications and safety hazards. Pilot projects have already demonstrated the effectiveness and efficiency of trash containers placed in the curb lane, making it a viable solution that should be considered on a broader scale.

Moreover, I strongly believe that public space plays a crucial role in public health. By placing trash in bins and containerizing it, we can significantly mitigate New York City's rodent population and promote a safe and healthy environment. Swept streets and sidewalks, free from rats, are essential for the well-being of our residents. Implementing this proposed rule change will be a tangible step towards achieving this vision and enhancing the quality of public space in our city.

In conclusion, I kindly request that the New York Department of Sanitation take into consideration the points mentioned above and prioritize the pedestrian experience when formulating regulations regarding restaurant trash disposal. Placing bins in the curb space is a practical and efficient solution that will not only benefit pedestrians but also contribute to public health and the overall cleanliness of our streets.

Thank you for your attention to this matter. I trust that you will give due consideration to this proposal and take the necessary steps to improve the current approach to restaurant trash disposal. I am available for further discussion or to provide any additional information that may assist in the decision-making process.

Comment added June 21, 2023 8:13pm

Matt Parker

I support the rule but restaurants should be able to use curbside space for containers. This is the right step for improving public health and ending the ridiculous practice of having loose trash bags on the sidewalk, but the containers should not be on sidewalks, they should be on the street.

Comment added June 21, 2023 10:23pm

Nidish

Containerized trash is obviously a better solution than having restaurants throw garbage bags on the sidewalk.

And these trash containers should not be on the sidewalk. There is too much free parking in the city, reclaim some of that space. Keep bike lanes intact.

Underground containers are even better, please figure out how to build more efficiently so that we can catch up to the rest of the world.

Comment added June 21, 2023 11:37pm

Nathan Maue

This is a great start towards improving the cleanliness of our city and reduce rats and waste on the sidewalk. However, replacing bags with permanent containers on the sidewalk still creates obstacles for pedestrians, especially in places with narrow sidewalks. Instead, these permanent containers should be placed in the curb lane to ensure there remains space on the sidewalk for pedestrians. It also makes collection easier so that the containers don't need to be emptied around parked cars.

Containerizing trash is a concrete way to reduce the rodent population and related public health concerns, and we should be using the existing public space to achieve these goals.

Comment added June 21, 2023 11:40pm

Lee Shinall

I fully support containerized trash for all waste collection in the city. This is great step towards that, and I hope it can be expanded to more types of businesses and buildings, including residential ones. As trash blocking and impeding sidewalks is a problem throughout the city, all trash receptacles should be placed on the street side of the curb in designated areas, NOT on the sidewalk. In addition to reducing rats and improving the cleanliness of sidewalks, this will enable easier passage for pedestrians with carts, strollers, canes, walkers, and wheelchairs

Comment added June 22, 2023 7:24am

Gibson Oakley

I fully support the containerization of trash, an effective means of curbing rat populations. However, these containers should not be located on walkways. Instead, these should be located in the curb lane, even if that means converting street space from parking to container storage.

Containers serve a public good for many people, reducing rodent populations and improving neighborhood aesthetic (compared to bagged trash on sidewalks). Walkways serve a public good for many people, allowing the community to visit local businesses and remain physically active. Street parking or overly wide vehicle lanes provide limited benefit, given the amount of space taken up compared to the number of people served. Private vehicles are particularly inefficient with their space usage

Given the benefits of containerizing trash and ensuring access to walkways for pedestrians, taken alongside the relative inefficiency of private vehicle storage on public streets, I suggest that the rule be modified to place these containers not on the sidewalk, but in the curb lane.

Comment added June 22, 2023 7:59am

Kaitlyn conway

Please containerize trash! Please put these containers where cars park and not on the sidewalk! Use public space for public goods, not private car storage!!

Comment added June 22, 2023 9:29am

Max kohn

Thank you for putting the containerization of trash high on your priority list. Let's also do this in a way that values all New Yorkers, not just those who drive. Please place these much-needed containers in the street/curb space and not the sidewalk!

Comment added June 22, 2023 9:31am

Jackson Chabot

Thank you for taking feedback on this important rule. As Open Plans, we recommend three key considerations.

Prioritize the pedestrian – While it's great to get trash bags off the sidewalk (especially trash from restaurants that's likely to have food which attracts rats), replacing piles of bags with permanent bins does nothing to help make our sidewalks more pedestrian friendly. Especially in areas with already narrow sidewalks, bins on the sidewalk will make it hard for pedestrians to get by. We should not replace one problem with another.

Place the bins in the curb space – Containers to hold restaurant trash should be placed in the curb lane rather than on the sidewalk. This will ensure pedestrians have adequate space, and will make garbage collection much easier. Emptying containers over or around parked cars is not a reasonable option. Pilot projects have already shown that trash containers placed in the curb lane are an effective and efficient use of public space.

Public health, public space – Public space is crucial to public health and putting trash in bins, and containerizing it in general, is a concrete way to mitigate New York's rodent population. Safe and healthy public space looks like swept streets and sidewalks, free from rats, and having trash in bins. This proposed rule helps achieve this vision.

Comment added June 22, 2023 9:56am

Lei

Please consider designating curb space for trash receptacles and keeping them off of the sidewalk. Let's take our city back from the automobile!

Comment added June 22, 2023 10:01am

Alex Weiner

This is a great idea however these cannot be in the sidewalk they need to be on the curb where they are not interfering with pedestrian traffic. These would actually help pedestrian safety if these were used to daylight dangerous intersections.

Comment added June 22, 2023 10:09am

Katya Willard

Prioritize the pedestrian – While it's great to get trash bags off the sidewalk (especially trash from restaurants that's likely to have food which attracts rats), replacing piles of bags with permanent bins does nothing to help make our sidewalks more pedestrian friendly. Especially in areas with already narrow sidewalks, bins on the sidewalk will make it hard for pedestrians to get by. We should not replace one problem with another.

Place the bins in the curb space – Containers to hold restaurant trash should be placed in the curb lane rather than on the sidewalk. This will ensure pedestrians have adequate space, and will make garbage collection much easier. Emptying containers over or around parked cars is not a reasonable option. Pilot projects have already shown that trash containers placed in the curb lane are an effective and efficient use of public space.

Public health, public space – Public space is crucial to public health and putting trash in bins, and containerizing it in general, is a concrete way to mitigate New York's rodent population. Safe and healthy public space looks like swept streets and sidewalks, free from rats, and having trash in bins. This proposed rule helps achieve this vision.

Comment added June 22, 2023 10:46am

Adam F

The piles of loose trash on nearly every commercial block are a blight on our city, the chief reason our city is a breeding ground for vermin, and when the piles get high enough, are barriers to accessibility. They smell and look foul and even when they're picked up, leave stains on the sidewalk making our commercial districts filthy. It's a no-brainer to require all trash collection be in containers and it should happen as quickly as possible.

Comment added June 22, 2023 11:22am

Andrew Rigie, NYC Hospitality Alliance

June 22, 2023

Comments of the NYC Hospitality Alliance on the Department of Sanitation's proposal to amend its rules relating to the use of certain receptacles for food-related businesses

The NYC Hospitality Alliance ("The Alliance") is a not-for-profit organization representing restaurants, bars, and nightclubs throughout the five boroughs that would be affected by the NYC Department of Sanitation's ("DSNY") proposed rule, which if adopted will require all food related businesses to set out their waste at the curb in rigid receptacles with tight-fitting lids for commercial carter pick up.

The Alliance is a supporter of containerizing trash, and we urge food businesses to do so whenever practicable, but we strongly oppose DSNY's proposal to mandate that all food businesses do so because it is impractical or impossible for many businesses under this proposal. We conducted a survey, and a sample of nearly 400 hundred restaurants and bars replied that they'd be unable or have significant challenges complying with this proposed mandate due to lack of indoor and outdoor space, and other logistical challenges.

While some food businesses already containerize their waste, or would do so if encouraged or required, a segment of the industry has shared these valid concerns with us about their limitations, and in many cases inability to comply with this proposed sweeping mandate

Storing Trash Containers Indoors:

Many food businesses do not have adequate indoor space to fit a bunch of large rigid garbage containers inside their small businesses, and/or carrying them through sidewalk cellar doors poses additional physical challenges to workers.

In restaurants with limited indoor space, storing large rigid dirty garbage containers inside near food preparation areas and customer seating areas is unappealing, creates nuisances, sanitary issues, and likely increases the chance of pest and vermin issues that may result in Department of Health Violations

Storing Trash Containers Outdoors for Restaurants that Cannot do so Indoors:

Many food businesses have narrow storefronts. This mandate would force them to store a bunch of garbage containers right in front of their business blocking their windows and obstructing their storefronts.

Neighboring businesses and residential buildings will undoubtedly complain when food businesses permanently store a bunch of large rigid and smelly garbage containers right next to their entrances, as will community boards and local groups that may not want thousands of garbage cans permanently stationed in front of buildings, especially when there are multiple containers that get knocked over, strewn about at night, etc

The City of New York is also enacting an historic outdoor dining program and if a restaurant must store their large garbage containers on the public sidewalk directly contiguous to their storefront, the space designed to be utilized as a sidewalk cafe, it will limit their ability to have a sidewalk café and place this historic program the mayor wants to make permanent in jeopardy

Violations and Miscellaneous Concerns

Mayor Adams' Administration and the City Council have focused on education and compliance first and levying fines against small businesses as a last resort, which they do in part by incorporating warnings and cure periods for first time violations into existing and new laws and rules. Yet, this is another recent example of DSNY's failure to follow by publishing a rule that doesn't allow for warnings and/or cure periods. We find this to sharply contrast with the stated regulatory culture of Mayor Adams' Administration seeks to achieve.

Businesses that currently use garbage containers reported pedestrians opening them and leaving their own trash and recyclables in the containers resulting in fines from DSNY for not separating materials properly, so how will the agency mitigate against these unfair violations and fines to businesses?

These large garbage containers will need to be regularly cleaned to avoid health and rodent problems. Thousands of small restaurants do not have the facilities to accomplish that indoors so, our city's sidewalks will be turned into washing areas for these garbage containers resulting in dirty water runoff that result in more complaints.

The NYC Hospitality Alliance recognizes the myriad of problems with our city's current garbage collection system and supports an overhaul, but it must be achievable and doesn't create other undesirable outcomes such as replacing garbage bags placed on the curb line after 8pm for a few hours, for thousands of garbage containers permanently stationed in front of businesses across the city 24/7, which similarly seems unwieldy and unsightly We understand that our private commercial carting system complicates trash containerization because even under the to be implemented Zone Carting system multiple carters will service an area and this poses challenges for communal containers, which the city seeks to implement for residential garbage. But even there, the city is

implementing a pilot program for themselves for residential collection before mandating it citywide, but the city seeks to immediately impose this mandate on businesses without a pilot program, whose trash they aren't responsible for collecting.

We urge DSNY to slow down this process and work with the restaurant industry to get more businesses to containerize their garbage and seek solutions to the challenges we've listed. For example, this proposal doesn't even allow for a restaurant to petition the city to allow them to store the garbage containers on the curb line, parking space, or elsewhere on the block, get a waiver, or explore other options like using rodent repellent garbage bags. Furthermore, with the major transition to the Zone Carting system underway, further exploration about how containerization could work better under that scheme should be discussed. We were appointed to the Zone Waste Advisory Board and urge the city to reconvene affected stakeholders from that Board to explore possibilities and opportunities.

We strongly oppose this proposed rule as drafted, remain committed to working collaboratively with Mayor Adams' Administration, DSNY, and stakeholders to find better solutions, and we thank you for your consideration of our comments.

If you have questions, please contact our executive director Andrew Rigie at arigie@thenycalliance.org

Respectfully submitted,

NYC Hospitality Alliance

[Comment attachment](#)

6.22.23-Requiring-Receptacles-for-Food-Related-Businesses-Comments-NYC-Hospitality-Alliance-.pdf

Comment added June 22, 2023 11:24am

Jacob Shavzin

This is a must!! Will solve many problems with space and rats. Already done in many cities.

Comment added June 22, 2023 11:28am

Lewis Anderson

Trash containerization is a long overdue public health measure for the city, but if containers are installed on the sidewalk they'll do nothing to improve the pedestrian environment. Placing them in the roadbed next to the curb will keep the sidewalk clear of trash and other obstructions to accessibility, while also calming traffic. There's a huge opportunity here to enhance the city's street environment, but only if we take pedestrians seriously and refuse to compromise on sidewalk space. Don't waste this opportunity!

Comment added June 22, 2023 11:33am

Will Lanier

Not on the sidewalk. Use a parking space off the curb. Prioritize peds.

Comment added June 22, 2023 12:03pm

Joseph Frazier

Give priority to pedestrians – While it's commendable to remove trash bags from the sidewalk, especially those from restaurants that may attract rats due to food residues, replacing piles of bags with permanent bins does not contribute to enhancing the pedestrian-friendliness of our sidewalks. This is particularly true in areas where sidewalks are already narrow, as bins placed on the sidewalk obstruct pedestrian passage. It is not advisable to substitute one problem with another.

Allocate the bins to the curb space – Instead of positioning containers for restaurant trash on the sidewalk, they should be placed in the curb lane. This arrangement ensures that pedestrians have sufficient space and facilitates garbage collection. Discharging the contents of the containers over or around parked cars is not a reasonable alternative. Pilot projects have already demonstrated that locating trash containers in the curb lane effectively and efficiently utilizes public space.

Public health and public space – Public space plays a crucial role in maintaining public health, and utilizing bins to contain trash is a practical approach to managing New York's rodent population. A clean and safe public space entails swept streets and sidewalks that are free from rats, with trash properly disposed of in bins. This proposed regulation contributes to realizing this vision.

Comment added June 22, 2023 12:06pm

Tony Melone

I support trash receptacles stored on the street — we need to prioritize pedestrian accessibility and discourage storage of private vehicles on our public streets. Along with strong implementation of the composting program, containerized trash should reduce the rat infestation that I see near my home in Brooklyn, with piles of trash bags on every block. Eliminating parking spaces would be an added benefit, as this would discourage driving and help us meet our climate goals.

Comment added June 22, 2023 12:08pm

Alan Gerber

Using the public space on the streets that belong to all of us for a containerized waste system that benefits all of us (via reduced exposure to garbage, reduced rats, reduced litter, and reduced cost of housing via reduced operating expenses) is just common sense.

Some people may wish to store their private property on that public space for free, but that space belongs to all New Yorkers, and we all need to do something about rats and piles of stinking garbage. Containerized waste is a proven solution worldwide that we must adopt.

Comment added June 22, 2023 12:15pm

Chris Homburger

My Commentary on the Proposed Rules:

Prioritize the pedestrian:

While it's great to get trash bags off the sidewalk (especially trash from restaurants that's likely to have food which attracts rats), replacing piles of bags with permanent bins does nothing to help make our sidewalks more pedestrian friendly. Especially in areas with already narrow sidewalks, bins on the sidewalk will make it hard for pedestrians to get by. We should not replace one problem with another.

Place the bins in the curb space:

Containers to hold restaurant trash should be placed in the curb lane rather than on the sidewalk. This will ensure pedestrians have adequate space, and will make garbage collection much easier. Emptying containers over or around parked cars is not a reasonable option. Pilot projects have already shown that trash containers placed in the curb lane are an effective and efficient use of public space.

Public health, public space:

Public space is crucial to public health and putting trash in bins, and containerizing it in general, is a concrete way to mitigate New York's rodent population. Safe and healthy public space looks like swept streets and sidewalks, free from rats, and having trash in bins. This proposed rule helps achieve this vision.

Comment added June 22, 2023 12:21pm

Chris Huggins

We need to prioritize the pedestrian across the entire city! While it's great to get trash bags off the sidewalk, most sidewalks are TOO SMALL already. The bins cannot go on the sidewalks. Instead, put the bins on the curb lane. Every other civilized city in the world (Buenos Aires, Berlin, Madrid, London, Paris, etc) does this and there is a clear pattern. We do not need to reinvent the wheel here.

All containers to hold trash should be placed in the curb lane rather than on the sidewalk. This will ensure pedestrians have adequate space, and will make garbage collection much easier. Emptying containers over or around parked cars is not a reasonable option. Pilot projects have already shown that trash containers placed in the curb lane are an effective and efficient use of public space.

The sidewalk is public space. Public space is crucial to public health and putting trash in bins, and containerizing it in general, is a concrete way to mitigate New York's rodent population. Safe and healthy public space looks like swept streets and sidewalks, free from rats, and having trash in bins. This proposed rule helps achieve this vision.

Comment added June 22, 2023 12:24pm

Solveig E

Trash receptacles should be located in the curb/parking lane. This is better for pedestrians, restaurant goers and car owners that don't have to have trash bags dragged over the hood of their vehicles.

Comment added June 22, 2023 12:32pm

Zed ██████

I'm in support of requiring restaurants to use containerised trash, but this should only be the first step towards a goal of everyone in the city using containerised trash. Both businesses and individuals

Comment added June 22, 2023 12:43pm

Sonia P.

As a pedestrian I think this is a great idea! The other day a large rat ran into my foot. That was not a great experience for either me or the rat. But, I hope that this doesn't mean that space will be taken out of the sidewalk. Parking lanes are free real estate for drivers in NYC. Why? We're the only big city in the world with free parking while more and more additions encroach on narrow sidewalks and make walking even more unsafe than it already is. Let people walk. It's better for our health and for the environment, and not everyone can afford a car! Why should people who can afford a car get to take up so much of our public space while pedestrians get less and less of it? Please make sure bins are in the street and not on the sidewalk.

Comment added June 22, 2023 12:43pm

Ernie Deeb

It's plain as day that our city is not the model for clean, beautiful, walkable sidewalks that it should be. This initiative would take a step in the right direction by reclaiming walkable area for pedestrians, removing the hideous eyesore of mountains of garbage in public, and inconvenience our increasingly comfortable rodent population by cutting off easy access to their favorite food sources. The benefits of this program far outweigh the drawbacks. Get it done, and continue thinking about redesigning our city in ways that favors public and environmental health.

Comment added June 22, 2023 12:44pm

zed

Please do not publish my previous comment. I was unaware they would be made public and I do not wish to have my last name publicly available.

Comment added June 22, 2023 12:45pm

Ariel Kadouri

I support the DSNY proposal to require businesses to contain organic waste. This will greatly reduce the amount of food that rats and other vermin can access and help keep our streets clean.

Comment added June 22, 2023 12:45pm

Cindy McLaughlin

We desperately need to remove free parking from our streets to make room for more productive uses, such as waste containers, curbside delivery, dining, bike lanes, Citibike, trees, bioswales, seating, and more). Large – or several large – waste containers should be placed on every block in curb “dead zones” that would not be better used for public activities like outdoor dining. Specifically, please don’t put them immediately in front of restaurants in a way that would remove the space for dining.

We should absolutely require containerization for restaurants. But we should require it for everyone else as well. There is no sanitary and rat-free way of handling trash that includes piling leaky trash bags on sidewalks. Every scrap of waste should be containerized, attractive permanent containers like CitiBin should be used everywhere, and pickup should be harmonized, so we’re not treating commercial waste differently from residential waste. It’s all the same stuff, it all needs daily collection, and we can reduce truck congestion and VMT by having NYC DOS be responsible for all of it.

Comment added June 22, 2023 12:54pm

Cindy McLaughlin

NYC should proceed as quickly as possible with waste containerization. We are the only modern city that piles leaking bags of trash on the sidewalk, inviting rats, leakage, and post-pickup remains. Waste containerization should be universal, attractive (in hardened bins like Citibin), and applicable to all commercial and residential waste. It should also include standardized pickup — so that DOS is responsible for all of it with specialized trucks for mechanical loading. Taking a daily, consistent, and uniform approach to waste management would substantially improve our public realm, improve hygiene, and reduce truck VMT and neighborhood congestion from private haulers.

The City must be bold about removing free curb parking and replacing it with waste containers and other more productive uses. Our current use generates no revenue and has no public good — it only encourages car ownership and driving in the most transit-rich city in the country. We should be repurposing the curb for uses that enhance the public realm: bike lanes, outdoor dining, bioswales, trees, seating, Citibike racks, waste containerization, and more. Thank you!

Comment added June 22, 2023 1:10pm

David

I 100% support this proposed rule. Containers should be in the curb lane and not on the sidewalk to provide adequate space to prioritize pedestrians and bike lanes. I'm also in support of reducing parking spots on the street in order to make space for the containers. However, please research how other cities around the world deal with containerized trash (especially the Netherlands and Germany). The containerized trash proposals and pilots I've seen in NYC are clearly not state-of-the-art or well conceptualized from a product design perspective.

Comment added June 22, 2023 1:14pm

Emma Clarke

I agree that food-related businesses should place trash in receptacles with tight fitting lids in the curb lane. Reducing the rat population is critical to keeping NYC a safe place for all, including our unhoused neighbors who are vulnerable to rats at all times.

Comment added June 22, 2023 2:08pm

Eric JS

I strongly support the and here's why:

Prioritize the pedestrian – While it's great to get trash bags off the sidewalk, replacing piles of bags with permanent bins does nothing to help make our sidewalks more pedestrian friendly. Especially in areas with already narrow sidewalks, bins on the sidewalk will make it hard for pedestrians to get by. We should not replace one problem with another.

Place the bins in the curb space – Containers to hold restaurant trash should be placed in the curb lane rather than on the sidewalk. This will ensure pedestrians have adequate space, and will make garbage collection much easier. Emptying containers over or around parked cars is not a reasonable option. Pilot projects have already shown that trash containers placed in the curb lane are an effective and efficient use of public space.

Public health, public space – Public space is crucial to public health and putting trash in bins, and containerizing it in general, is a concrete way to mitigate New York's rodent population. Safe and healthy public space looks like swept streets and sidewalks, free from rats, and having trash in bins. This proposed rule helps achieve this vision.

Thank you!

Comment added June 22, 2023 2:32pm

Josh

I fully support the containerization of restaurant trash, and urge you to create designated space for containers at the curb rather than on the sidewalk. It is crucial that these containers not compete with pedestrians for already-limited sidewalk space when there is so much poorly used space readily available in parking lanes.

Comment added June 22, 2023 2:40pm

Kevin Dugan

Regarding mandated trash containerization

Good afternoon. My name is Kathleen Reilly Irwin, and I am the NYC Government Affairs Manager for the New York State Restaurant Association. We are a trade association representing food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years. Our members represent a large and widely regulated constituency in New York City, and our industry continues to be disproportionately harmed by the lingering impact and losses of the Covid-19 pandemic.

We understand that the Department of Sanitation has set ambitious goals for pest mitigation in New York City, and the Department sees trash containerization as an important step in achieving those goals. We share a desire to reduce the impact of rats and other pests around the city, and recognize that commercial waste, along with residential waste, can be better managed and contained than it is today. That said, the proposed rule in question would create a one-size-fits-all unfunded mandate, directed only at food related businesses including restaurants, which are some of the most economically burdened businesses post-Covid. As written, this rule would create logistical and cost burdens for our membership and add to their frustration of regularly bearing the brunt of enforcement and 'novel' regulation in the name of street and sidewalk cleanliness.

The Department has already begun lightly incentivizing trash containerization for all businesses, by allowing them slightly earlier trash setout times when they use containers with lids for their trash. While this new trash setout rule was only recently put into place, the Department is clearly looking to move the needle faster and has not been satisfied with containerization progress thus far. In this case – rather than mandate containerization for food service businesses only – perhaps the better route forward is to survey businesses who have not elected to containerize trash to find out, why? With a small incentive like earlier trash setout times in place, why have you elected to keep your plastic bags? Is it the cost, the storage, the cleanliness and maintenance of the bins? Is it an issue with your carter? These are all valid reasons why a business may not be able to move to trash containerization yet, and all opportunities for the Department of Sanitation, in collaboration with other city agencies, to make a difference. Maybe our city businesses need access to small grants to upgrade their waste infrastructure. Maybe the Department could issue a rule regulating the way carters handle and charge for emptying waste from bins. Maybe, alongside the Department of Transportation, the Department could identify streets where sidewalk space is far too narrow for bin setout and storage, and designate some communal roadway space for bins to be stored.

Instead, this rule dictates that food related businesses alone are responsible for purchasing bins with tight-fitting lids, storing them somewhere, but not somewhere that

blocks the sidewalk, and paying their carters to empty them however often they fill up. With so little guidance or city assistance and the threat of any number of violations and fines, restaurants are understandably daunted with the prospect of compliance with the proposed rule. In addition to the outreach and troubleshooting suggested above, we would strongly encourage the Department of Sanitation to consider including the following features in the current step towards trash containerization:

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In conclusion, the New York State Restaurant Association does recognize the importance of pest mitigation, and we hope to have contributed some reasonable and workable suggestions to make the transition to trash containerization more feasible for restaurants. Thank you for considering our feedback, and we look forward to continued collaboration on this issue.

Respectfully Submitted,

Kathleen Reilly Irwin
NYC Government Affairs Manager
New York State Restaurant Association
401 New Karner Road
Albany, New York 12205

[Comment attachment](#)

Rules-comment-trash-containerization.docx

Comment added June 22, 2023 3:03pm

Nicholas Kakheladze

Metal trash bins (with secure lids) should be of the highest urgency of implementation. However, they should be located on the STREET, rather than the sidewalk. Pedestrians should not continue to suffer their lived experience due to a small minority of people who choose to drive in the city.

Take away a few parking spots on every street and implement a robust, extensive, and multi-faceted (recycling, composting, etc.) waste disposal system. The way this city handles waste disposal is an embarrassment when compared to our European counterparts, and is completely overdue at this point.

The archaic garbage bags are inefficient and downright hazardous due to the sheer amount of rats and vermin that they attract, ruining the quality of life of the city and its residents. Color-coded, metal-based, waste disposal bins placed on every street corner (ON THE STREET) are a MUST

Comment added June 22, 2023 3:08pm

David Taylor

I am so excited to have refuse in containers to improve the cleanliness, appearance and health of the city, but I also believe these containers should not obstruct the sidewalks; the proper place for such structures would be in the curb lane.

Comment added June 22, 2023 3:31pm

Brandon West

As a CB6 member in Brooklyn, and a member of the transportation committee, I'm shocked people are against this idea. Finally our city can resemble others in the world who have figured out better ways to manage sanitation. If we invest in mass transit, the loss of parking will not be an issue.

Comment added June 22, 2023 4:25pm

Diego Barberena

Proposed Rule Relating to the Use of Certain Receptacles by Food-Related Businesses

I think is a great Idea I was in today's hearing and most of the concerns were address in the DSNY's Study the future of trash:

<https://dsny.cityofnewyork.us/wp-content/uploads/reports/future-of-trash-april-2023.pdf>

What the private carting industry needs is start adopting these standards, especially the shared side loader containers. My company distributes them, as same as the equipment to pick them up Private carters will benefit if they offer this service to their clients It will solve most of their client concerns. The equipment is similar to the cost of what is being used now. We are open to partner with any carter that wants to implement this system.

For the costumer is easy. Take the trash out to the container any time any day, and forget about it.

The containers are about the same price, and they can include electronics that restricts the access and measures the fill level. Similar of what DSNY is already doing with their compost Smart bins and their app

The only difference is that these containers have a much bigger capacity, 3 Cubic Yards, and can be service in less than a minute. Using these methods there is no more fines for the trash getting blown, or the trash be taken out too early

<https://youtu.be/XjSCmosoqBA>

Container fill sensors will tell the carter when to pick them up saving time and fuel Containers can be picked up by one person, not 2, saving labor. The machine does the lifting, no need to come down of the truck in hot, cold, or rainy days. Waste can also easily be sorted in 4 different streams waste, compost, paper & carboard, and glass & metal. What I observe now is that restaurants divide their trash, but it all gets thrown together in the back of a rear loader

A more simpler option is having wheeled container inside other containers, but This will end being more costly as it is less efficient. But this can be done fast as there is no need to have special trucks

DSNY Report states that a side loader pilot project will take 3 years to implement. My firm can do it in 6 months

<https://youtu.be/jSxWV1n3Szk>

DSNY report also states that to implement the side loaders there is the need for a

European truck as US trucks will not work. US Trucks are capable of working with this European Systems (European Bodies) This is what is done all over the world, local truck chassis, European truck body. This is what was done in Kissimmee and Clearwater Florida in their underground container projects.

US Truck Chassis with Italian Lift and Compactor used in Florida
DSNY report states that there are no European trucks in the USA. There are at least 2 European style trucks in the USA Both were exhibited at the Waste Expo in New Orleans.

Mercedes Econic, UK

https://www.mercedes-benz-trucks.com/en_GB/models/econic.html

Freightliner Econic SD, USA

<https://freightliner.com/trucks/econicsd/>

Dennis Eagle, UK

<https://www.dennis-eagle.co.uk/products/olympus-rcv-range/>

Dennis Eagle, USA

<https://www.dennis-eagle.com/en/>

Regarding how much will this cost?

The truck chassis (MACK LR Diesel which is what the city currently uses), is roughly \$250,000 and the truck body and its installation is about \$200,000. Total price for the truck is around \$450,000. Containers are about \$2,000 dollars. That is 2 assembled trucks (\$900,00) and 300 containers (\$600,000) will cost \$1.5 million total. 300 container will hold 900 CY all together This can easily be scaled up

These equipment should last 8 years. Assuming that the trash is picked 2 times a week ($2 \times 52 \times 900 \times 8 = 748,800 \text{cy}$), the cost of moving one CY of waste & recycling to a container is \$2.00. if one factors that you need half the labor, and the routes will be more efficient, this should produce a net saving in time, money, diesel & labor.

I am here to help and solve any questions

Diego Barberena, LEED AP BD+C
CEO

1838 Second Avenue
New York, NY 10128
<http://www.WasteTechUS>
212-3488333

Comment attachment

2023.06.22-Receptacles-Food-Related-Businesses.pdf

Comment added June 22, 2023 4:46pm

Ren

I support containerization but please make sure to not put the containers on the sidewalk New York City sidewalks are narrow and on crowded streets there's barely any place for movement, not accounting for wheelchair or stroller users.

Comment added June 22, 2023 4:58pm

James Ballantine

It would be highly beneficial to the city if trash collection was containerized. Leaving bags on the sidewalk that can easily break or be broken into by rats is highly unsanitary, blocks pedestrians from being able to walk safely on the sidewalk, and frankly just unsightly. It also has the potential to reduce labor costs for the sanitation department in the future if the city invests in trucks that can automatically pick up these containers.

People may complain that reducing parking would be bad, but we are likely talking about a percentage point or two of the city's parking spaces at most, and I think those people may not understand that parking demand adjusts to the amount of parking in the city (this is called induced demand or induced supply). If there is less parking, some people will simply take transit or other means of travel. The majority of the city that already doesn't own a car already does this. Parking in the city is difficult and frustrating but, as long as the city gives away parking for free, that will continue to be the case whether we have more or less parking.

Everyone benefits from containerized trash collection, but only a minority of people benefit from these few parking spaces that would be removed. I think the choice is clear.

Comment added June 22, 2023 7:34pm



Regarding mandated trash containerization

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Respectfully Submitted,

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401 New Karner Road
Albany, New York 12205

**Comments of the Brooklyn Chamber of Commerce on the Department of Sanitation's
proposal to amend rules relating to the use of receptacles for food related businesses -
June 22, 2023**

My name is Mark Caserta. I am the Vice President of Small Business Support for the Brooklyn Chamber of Commerce, the largest Chamber of Commerce in New York State.

For the past three years, the Brooklyn Chamber of Commerce has been working closely with the other four chambers of commerce to help small businesses navigate the challenges brought by the pandemic. To date, the program, known as the Small Business Resource Network (SBRN), has assisted 12,000 businesses citywide and the SBRN team has visited more than 40,000 businesses door-to-door to offer free technical assistance.

Despite the improved outlook for small businesses and the return to near "normalcy" in daily street life in our city, our team of small business experts has found that business owners are still struggling to make ends meet. Costs have increased, business patterns have changed, staff is more difficult to hire and retain and crime is on their minds on a daily basis. Therefore, we take any rule change that will add additional costs and requirements on small business owners very seriously.

The proposed rule change to require waste containerization at food-related businesses is aimed at reducing the city's rat problems, which we fully support. However, we do not believe that small businesses, who are still recovering from the pandemic, should be required to purchase large, rigid garbage containers and store them inside their business or outside the business.

Large, rigid containers are difficult to fit into limited restaurant storage space and they will likely be stored in areas in which food is kept, creating health and sanitary challenges. For those restaurants without storage space, these receptacles will be stored outside the business, where customers and nearby residents will be subjected to unwelcome smells and more limits to sidewalk space.

We join the NYC Hospitality Alliance in asking DSNY to slow down this process and work with restaurant owners to find solutions that work for the city's objectives and for our recovering small business sector.



BROOKLYN COMMUNITY BOARD 13
1201 Surf Avenue – 3rd Fl., Brooklyn, NY 11224
(718) 266-3001 FAX (718) 266-3920
<http://www.nyc.gov/html/bkncb13>

ANTONIO REYNOSO
Borough President

LUCY MUJICA DIAZ
Chairperson

EDDIE MARK
District Manager

**COMMUNITY BOARD 13's STATEMENT AGAINST
DSNY PROPOSAL TO AMEND IT'S RULES RELATING
TO USE OF CERTAIN RECEPTACLES FOR FOOD
RELATED BUSINESSES**

The Department of Sanitation's (DSNY) proposed new commercial garbage collection laws will create a hardship for small business owners.

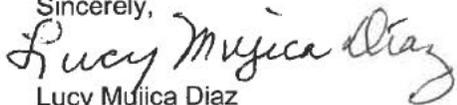
Community Board 13 supports small businesses and does not want to see them burdened with additional expenses. According to data collected, the cost for the new collection protocol will be about 20-30% greater than current costs, creating a major burden for businesses that are already struggling.

The Community Board has many issues with the new commercial collection laws, including:

- When receptacles are left on the street overnight, they may be stolen or blown into the street, causing accidents and/or creating a danger to pedestrians and vehicular traffic.
- We are concerned about unsanitary conditions, which will greatly affect the quality of life.
- Most businesses do not have a place to store these receptacles and they will have to be stored outside the business, where they will obstruct sidewalks that are already congested with dining sheds, bike racks, pedestrians, people who use walkers and wheelchairs, etc.
- Businesses cannot extend their selling area more than three feet from the building line, because people with disabilities will be unable to traverse the sidewalk. Some businesses are very dependent on these outdoor displays and will have to choose between their displays and having a place for the trash containers.
- After garbage pickup, the dirty receptacles will remain on the street overnight until the stores open in the morning. This will attract rodents and other vermin.
- If the business has no place to store the receptacles inside, then there is no place to wash the receptacles except outside of the business. Trash, cleaning solutions and grease will wash into storm drains. Storm drains will become blocked, flooding streets when it rains and more trash, cleaning solvents, etc. will enter waterways when it rains.
- Existing rules and regulations are not being enforced. Enforcement by DSNY must be constant.

With all due respect to DSNY, Community Board 13 is requesting that this proposal not move forward because of the above issues and unanswered questions.

Sincerely,


Lucy Mujica Diaz
Chairperson


Eddie Mark
District Manager

Dated: Wed., June 21, 2023



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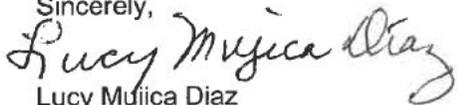
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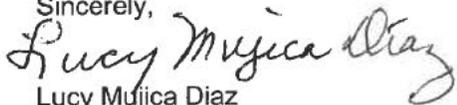
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District Manager

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CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West 33rd Street, Suite 580 New York, NY 10001

tel: 212-736-4536
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JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

June 22, 2023

Jessica S. Tisch
Commissioner
NYC Department of Sanitation
59 Maiden Lane, 5th Floor
New York, NY 10038

Re: NYC Department of Sanitation Proposed Amendments to Rule Relating to the Use of Certain Receptacles for Food-Related Businesses

Dear Commissioner Tisch,

While Manhattan Community Board (MCB4) applauds the NYC Department of Sanitation (DSNY) for proposing a rule amendment that mandates all food-related businesses to set out any solid waste, including refuse and organic waste, at the curb for private carter collection in rigid receptacles with tight fitting lids, MCB4 is concerned about the unintended consequences of the proposed rules for storage of commercial trash containers: "If other storage areas on the premises are not available, receptacles may be stored in the area within 3 feet of the building line on the sidewalk."

At MCB4's June 21st Transportation Planning Committee meeting, the Committee voted unanimously¹ to recommend that as an alternative, DSNY require them to store containers inside until their scheduled pickup times or explore other alternatives to allowing containers to be stored on the sidewalk.

With the increase in outdoor dining, sidewalk cafes, and the proliferation of sandwich boards there is an ever-increasing amount of competition for sidewalk space. For example, on Ninth Avenue in Hell's Kitchen, food establishments occupy approximately 90% of ground floor retail spaces, so there ostensibly could be trash receptacles every few feet for many hours of the day

¹ Due to the NYC Department of Sanitation deadline for comment, this letter is being sent immediately and is subject to ratification at the next regularly scheduled Full Board meeting on Wednesday, July 26, 2023.

without proper DOT clearance for pedestrians. Ninth Avenue has narrow sidewalks, so adding a significant number of trash containers would likely add more congestion for pedestrians.

We note that this change is unnecessary: The change from bags to containers will not take more space inside a restaurant since the health department already requires that trash be kept in sealed containers when inside (NYC rules section 14-1-150) and that (d) A sufficient number of containers are to be provided to hold all the garbage and refuse that accumulates between periods of pickup and removal.

As an alternative, DSNY should require them to store containers inside until their scheduled pickup times, or explore other alternatives to allowing containers to be stored on the sidewalk.

We commend Commissioner Jessica Tisch and DSNY for continuing to reform New York City's sanitation practices.

Sincerely,



Jeffrey LeFrancois
Chair
Manhattan Community Board 4



Christine Berthet
Co-Chair
Transportation Planning Committee



Jesse Greenwald
Co-Chair
Transportation Planning Committee