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NEW YORK CITY BUSINESS INTEGRITY COMMISSION  
&  
NEW YORK CITY DEPARTMENT OF SANITATION  
PUBLIC HEARING  
----- X

REQUIREMENTS FOR CARTERS OPERATING IN  
COMMERCIAL WASTE ZONES

ZOOM VIDEO CONFERENCE  
Tuesday, April 13, 2021  
9:30 a.m.

REPORTED BY:  
DANIELLE M. RIVERA

1 APPEARANCES

2 NYC BUSINESS INTEGRITY COMMISSION

3 EMILY ANDERSON, ESQ.  
4 Executive Agency Counsel

5 CAROLINE AHN, ESQ.  
6 Executive Agency Counsel

7 CHERYL GARCIA  
8 Deputy Commissioner of I

9 NYC DEPARTMENT OF SANITATION

10 MADELYNN LIGUORI  
11 Associate Counsel

12 JUSTIN BLAND  
13 Director of Commercial Waste

14 GREGORY ANDERSON  
15 Deputy Commissioner of Policy &  
16 External Affairs

17 SPEAKERS

18 LAUREN PINE  
19 Families for Safe Streets

20 RON BERGAMINI  
21 Executive Vice President  
22 The Action Environmental Group

23 COREY SCHOELLKOPF  
24 New York Lawyers for the Public Interest  
25 (NYLPI)

PHOEBE FLAHERTY  
The Alliance for a Greater New York (ALIGN)

PAUL PZ ZAMBROTTA  
Mr. T Carting

1 APPEARANCES (Continued)

2 SPEAKERS

3 TOM M. TOSCANO, ESQ.  
4 President of Mr. T Carting

5 STEVE CHANGRIS  
6 Northeast Region Vice President for  
7 National Waste & Recycling Association (NWRA)

8 DAVID BIDERMAN  
9 CEO & Executive Director of  
10 Solid Waste Association of North America  
11 (SWANA)

12 BONACIO CRESPI  
13 M&M Sanitation

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1 MR. BLAND: Good morning. If you  
2 can, please mute yourself, if you  
3 haven't already done so, that would be  
4 appreciated.

5 This is a joint hearing, and we will  
6 begin with an opening statement from  
7 Emily Anderson at the Business Integrity  
8 Commission.

9 MS. ANDERSON: Good morning,  
10 everyone. I'm Emily Anderson, Executive  
11 Agency Counsel at the Business Integrity  
12 Commission. Welcome to today's public  
13 hearing. A court reporter is present  
14 today, and will transcribe the hearing.

15 Today's public hearing is jointly  
16 held with the Department of Sanitation.  
17 The Commission and DSNY are jointly  
18 proposing rules to address industry-wide  
19 safety issues and to ensure a uniform  
20 baseline between the two agencies'  
21 overlapping regulatory authority.

22 We are conducting today's joint  
23 remote hearing in accordance with the  
24 City Administrative Procedure Act.

25 The purpose of today's hearing is to

1 receive comments from the public on both  
2 agencies' proposed rules.

3 The Commission's proposed rule was  
4 published in the City Record on  
5 March 12, 2021. The Commission e-mailed  
6 copies of the rule to all New York City  
7 elected officials, the City's fifty-nine  
8 community boards, media and interested  
9 parties and published the rule on our  
10 and the New York City Rules website.

11 Since 2010, trucks operated by  
12 licensees and registrants of the  
13 Business Integrity Commission have  
14 killed at least 51 individuals and  
15 injured over 400 individuals on New York  
16 City streets. Some vehicle operators  
17 repeatedly violate even the most basic  
18 traffic safety rules; such as, running  
19 red lights, speeding and driving the  
20 wrong way.

21 To address these safety issues in  
22 this rulemaking, the Commission is  
23 establishing industry-wide safety  
24 standards. Specifically, the rule will  
25 require daily vehicle operator

1 inspections, as well as bi-annual  
2 inspections conducted by qualified  
3 inspectors. Certain types of vehicles  
4 will be required to be equipped with  
5 crossover mirrors, which are used to  
6 reduce the blind spot at the front of  
7 the vehicle.

8 The rule will mandate driver and  
9 helper training. It will also hold  
10 licensees and registrants accountable  
11 for their drivers' repeated traffic  
12 safety violations. The rule will also  
13 require licensees and registrants to  
14 comply with hours of service  
15 requirements set forth in Part 395.3 of  
16 Title 49 of the Code of Federal  
17 Regulations.

18 Lastly, the rule will require all  
19 licensees and registrants to maintain  
20 various records demonstrating compliance  
21 with the new safety requirements.

22 The Commission's proposed rule that  
23 is the subject of today's hearing is  
24 being promulgated under the Commission's  
25 authority to establish and enforce

1 standards for the regulation and conduct  
2 of business licensed or registered by  
3 the Commission including safety and  
4 health standards. This includes traffic  
5 safety requirements and safety  
6 requirements for the trade waste  
7 collection vehicles.

8 Many of the Commission's proposed  
9 safety requirements are replicated in  
10 DSNY's proposed rules for commercial  
11 waste zone carters. The requirements in  
12 the Commission's rule will apply  
13 immediately to all licensees and  
14 registrants in the trade waste industry  
15 and will continue to apply to all  
16 licensees and registrants until the  
17 transition to the commercial waste zones  
18 program occurs in each zone.

19 After the transition to commercial  
20 waste zones occur, the Commission's  
21 requirements regarding the topics  
22 contained in these rules will not apply  
23 to commercial waste carters, but will  
24 continue to apply to licensees and  
25 registrants that are hauling forms of

1 trade waste other than commercial waste;  
2 such as medical waste, shredded paper,  
3 construction and demolition debris,  
4 among other types of trade waste.

5 Once the commercial waste zones  
6 program is implemented, commercial waste  
7 zone carters will be required to follow  
8 DSNY's applicable rules.

9 After remarks from DSNY, the  
10 Commission will receive oral and written  
11 comments from members of the public  
12 attending today's hearing. The  
13 Commission has been accepting written  
14 comments on the proposed rule since  
15 publication in the City Record and will  
16 continue to do so through the close of  
17 business today.

18 The Commission will make available a  
19 copy of any written comments that are  
20 received in connection with today's  
21 hearing on its website. The Commission  
22 will carefully review and consider all  
23 comments and submissions and make  
24 changes if the Commission deems them  
25 necessary. The proposed rule will go



1           into effect 30 days after the notice of  
2           adoption is published in the City  
3           Record.

4           I will now hand it over to Justin  
5           Bland for DSNY's remarks.

6           MR. BLAND: Thank you, Emily. Good  
7           morning and welcome. My name is Justin  
8           Bland. I am the Director of Commercial  
9           Waste for the New York City Department  
10          of Sanitation. Thank you for attending  
11          this public hearing this morning.

12          DSNY is conducting this remote  
13          hearing jointly with the Business  
14          Integrity Commission in accordance with  
15          the requirements of the City  
16          Administrative Procedure Act. The  
17          purpose of this hearing to receive  
18          comments from the public on the  
19          Department's proposed rules to establish  
20          requirements for carters operating in  
21          commercial waste zones related to public  
22          safety.

23          This proposed rule was published in  
24          the City Record on March 12, 2021. DSNY  
25          e-mailed copies of this rule to all New

1 York City local elected officials, the  
2 City's fifty-nine community boards,  
3 media and interested parties and  
4 published the proposed rule on our  
5 website.

6 The adoption of the forthcoming  
7 commercial waste zones system will  
8 dramatically reduce truck traffic  
9 associated with the commercial waste  
10 industry by more than fifty percent.

11 This system will improve the quality  
12 of life of all New Yorkers, serve the  
13 needs of the City's local businesses and  
14 support the City's short- and long-term  
15 goals for a cleaner, safer and more  
16 sustainable City.

17 More details about the commercial  
18 waste zones program can be found on the  
19 Department's website and in the  
20 statement of basis and purpose for this  
21 proposed rule.

22 The Department will use a  
23 competitive Request for Proposals, or  
24 RFP, process to select up to three  
25 private carters to service businesses

1 within each commercial waste zone. The  
2 RFP process will also be used to select  
3 up to five carters to provide  
4 containerized commercial waste  
5 collection services citywide.

6 The RFP is being issued in two  
7 parts. Part I was issued on  
8 November 19, 2020 with responses due on  
9 February 19, 2021. Part II will be  
10 issued in the coming months.

11 In this rulemaking, the Department  
12 is establishing requirements for carters  
13 selected to operate under the commercial  
14 waste zones program related to public  
15 safety.

16 These proposed rules are designed to  
17 improve street safety for all street  
18 users, including private sanitation  
19 workers, by improving commercial waste  
20 vehicle safety, holding awardees  
21 accountable for their drivers' repeated  
22 traffic safety violations and ensuring  
23 that commercial waste vehicles are  
24 equipped with safety features that will  
25 mitigate or prevent the type of tragic

1 collisions by private hauling vehicles  
2 that have plagued City streets.

3 These rules contain specific  
4 requirements relating to keeping safety  
5 records, requirements for safe vehicle  
6 operation and vehicle inspections and  
7 requirements regarding cross-over  
8 mirrors and elimination of obstructions  
9 to the windshield.

10 (Whereupon, there was an  
11 interference.)

12 MR. BLAND: If participants could  
13 please mute themselves, that would be  
14 appreciated.

15 Such requirements track the  
16 requirements that BIC is proposing in  
17 its rules at this joint hearing. BIC's  
18 requirements would apply to all trade  
19 waste licensees and registrants  
20 beginning 30 days after final  
21 publications.

22 At the time that the commercial  
23 waste zones program is implemented,  
24 DSNY's rules would simply carry over  
25 such requirements to commercial waste

1 vehicles.

2 However, these proposed rules also  
3 introduce additional requirements  
4 related to vehicle safety that would  
5 only apply to vehicles in the commercial  
6 waste zones program, (e.g. not  
7 construction and demolition vehicles),  
8 and would be phased in for the first  
9 time with the implementation of the  
10 commercial waste zones program as  
11 follows:

12 First, these proposed rules would  
13 require that by January 1, 2026, all  
14 commercial waste vehicles be equipped  
15 with back-up cameras.

16 These proposed rules also require  
17 auxiliary lighting on all commercial  
18 waste vehicles in the rear of the  
19 vehicle and on the sides where work is  
20 being performed. This requirement would  
21 take effect January 1, 2026.

22 These proposed rules further require  
23 a transition to cab-over-truck design  
24 vehicles, beginning with the purchase of  
25 new vehicles in 2024, and purchases of

1 used vehicles in 2026. There is no  
2 requirement to retrofit or replace any  
3 vehicle that is not a cab-over-truck  
4 design.

5 By phasing in each of these  
6 requirements, these proposed rules  
7 strike an appropriate balance between  
8 ensuring that commercial waste carters  
9 have the necessary lead time to conform  
10 to these requirements, while also  
11 reflecting the imperative to take action  
12 to protect public safety and the safety  
13 of private sanitation workers. These  
14 requirements, on whole, will raise the  
15 safety standards in the industry and  
16 further the City's goals of safer  
17 streets.

18 Finally, these proposed rules would  
19 require that all commercial waste  
20 vehicles are equipped with a telematics  
21 system that allows real time  
22 transmission to DSNY of the vehicle's  
23 location and routing information.

24 The telematics system requirements  
25 will ensure the integrity of the

1 commercial waste zones program by  
2 allowing DSNY to monitor compliance with  
3 the requirement that carters collect  
4 only in their authorized zone or zones.  
5 This data will enable DSNY and  
6 commercial waste carters to track and  
7 improve safety performance in an  
8 objective, reliable and comprehensive  
9 way with quantifiable tools to assess  
10 the success of this program.

11 Additional requirements for  
12 commercial waste zone carters will also  
13 be proposed in a future rulemaking. The  
14 Department anticipates that these  
15 forthcoming rules will be introduced  
16 later this spring, prior to the return  
17 date of Part II of the RFP. It is  
18 anticipated that these forthcoming rules  
19 will address third-party waste audits,  
20 fees, reporting and recordkeeping  
21 requirements.

22 A court reporter is present today  
23 and will record the hearing. You may  
24 present an oral statement or submit  
25 written comments concerning either or

1 both of the proposed rules. We have  
2 been accepting written comments on the  
3 proposed rules since their publication.  
4 DSNY will carefully consider all the  
5 comments it receives today at the  
6 hearing and all written comments it  
7 receives.

8 I will now begin calling those of  
9 you who wish to speak this morning in  
10 the order in which you have signed up to  
11 testify. You may comment on either the  
12 BIC or DSNY rules, or both.

13 While the notices requested that  
14 persons wishing to testify sign up in  
15 advance of this hearing, anyone wishing  
16 to testify at this time may do so by  
17 using the raised hand function or  
18 indicating in the chat area that you  
19 wish to testify.

20 When you speak, please state your  
21 name and affiliation, if any, and speak  
22 slowly and clearly so that the court  
23 reporter can understand and accurately  
24 record your statement.

25 We also ask that you limit your



1 statement to three minutes, and if you  
2 are giving testimony here today, we also  
3 ask that you submit it in writing to  
4 NYCrules, that's N-Y-C-R-U-L-E-S,  
5 @DSNY.NYC.gov. We have put those e-mail  
6 addresses in the chat feature.

7 The first person signed up to  
8 testify is Lauren Pine from Families for  
9 Safe Streets. Lauren, you can begin.

10 (No response.)

11 MR. BLAND: Lauren, are you here?

12 MS. PINE: Yes.

13 MR. BLAND: All right. You're up.

14 MS. PINE: Okay. Hi, my name is  
15 Lauren Pine. I am with Families for  
16 Safe Streets.

17 I'm here for waste zone reform  
18 because on November 15, 2017, I was  
19 crossing the street with a light in the  
20 crosswalk with my bicycle when I was  
21 struck by a fourteen-ton, ten-wheeled  
22 dump truck making a right turn. There  
23 had been a bicycle crossing the adjacent  
24 street right before me, but the driver  
25 didn't even seem to slow down when I

1 viewed the video.

2 My left leg was pinned under the  
3 driver's side tire, and fortunately,  
4 there were people in the street to stop  
5 the driver and get an ambulance to take  
6 me to Bellevue. I was in a coma for  
7 four days, where my left leg was removed  
8 at the hip, which is extremely rare, in  
9 three different surgeries. They did not  
10 know if I would survive.

11 Needless to say, this is a huge cost  
12 to the City. It is a huge cost to me in  
13 medical bills. Any kind of waste zone  
14 reform would be able to prevent this  
15 from happening.

16 I am a nurse, and I am no longer  
17 able to work. My family had to come out  
18 to take care of me because I can't  
19 afford the medical bills. My sister  
20 left her job and lived with me for six  
21 months.

22 Excuse me.

23 I was in the hospital for two months  
24 in the ICU in the burn unit. My right  
25 leg was completely degloved on the side

1 of my thigh, down to my knee and up on  
2 my hips. I have numbness and tingling.  
3 My right leg has foot drop. I can  
4 barely walk a few blocks.

5 I use a prosthesis that I cannot  
6 afford on Medicare anymore. But for the  
7 last three years, I was thankfully on  
8 long-term disability, and I was able to  
9 get one. I am enjoying it now because  
10 when it breaks, I will not be able to  
11 get a new hip.

12 To say this has changed my life is  
13 an understatement, and to think that it  
14 is preventable is a tragedy.

15 Pardon me.

16 As with everything, it takes me  
17 longer to get ready for meetings like  
18 this because I always take longer than I  
19 think, and I have pain that I can't  
20 even -- you just get used to it. You  
21 forget that you have pain because it's  
22 so constant.

23 And I am glad that I can at least  
24 volunteer for things like this. Thank  
25 you so much for listening to me. I have

1 lived in New York City for thirty-five  
2 years, twenty-four of that, I was a  
3 cyclist. I was able to see the very big  
4 change in my area of the East Village of  
5 construction traffic.

6 And even my friends would comment,  
7 "Bike riding so different now, it isn't  
8 as safe as it used to be." And I kept  
9 thinking, "Yes, maybe I'll leave the  
10 City at some point, but I can't right  
11 now, I really love my job. I work in a  
12 counselor center, I can help other  
13 people."

14 And people may complain about the  
15 cost of making the changes proven to  
16 prevent crashes, but failure to do so  
17 also comes, not only with a horrific  
18 cost of lives lost and forever altered,  
19 it also has huge costs to individuals  
20 and our City, which often bears the cost  
21 in lost wages, medical bills, emergency  
22 services and more. I know both sides of  
23 this from being a nurse.

24 The private waste collection  
25 trucking industry claimed the lives of

1 more than twenty-two people since 2016.  
2 That's people that died. That's not  
3 just people like me that are injured  
4 that aren't allowed to be normal,  
5 functioning members of society anymore.

6 I'm on disability now, that's not a  
7 living wage. It's not. I'm also not  
8 able to take care of people as a nurse.  
9 My mind is fine, I can do things with my  
10 mind, but my body can't move.

11 Paratransit in the City, I don't  
12 know if you know, but it is horrible.  
13 You can wait for an hour or more  
14 outside -- God forbid your phone battery  
15 dies -- with nowhere to sit, nowhere to  
16 go to the bathroom, no pain relief. I  
17 mean, nowhere to sit. I can't --  
18 it's -- I can handle it, barely. I  
19 can't even imagine people lesser than me  
20 that can't, and many of them victims of  
21 preventable crashes.

22 The private waste collection  
23 industry claimed the lives of more than  
24 twenty-two people. Between 2008 and  
25 2020, the City's largest trade waste

1           hauling companies were involved in  
2           eighty-five crashes; a terrible increase  
3           of 140 percent over the previous six  
4           years.

5           If there's any silver lining to my  
6           story, it is that even if I cannot  
7           return to my former career as a medical  
8           surgery nurse in a cancer center, I can  
9           use my voice to support legislation and  
10          rules to end this epidemic. I'm talking  
11          about the epidemic of crashes.

12          I am here in support of the long  
13          overdue reform of waste collection in  
14          our City and support the zoning  
15          solutions proposed today, which will cut  
16          down on the miles traveled by these  
17          lethal trucks and reduce the risk of  
18          others being injured like me.

19          Today, you are also considering  
20          other safety measures. I implore you to  
21          also implement those changes in their  
22          strongest possible form, as well as  
23          every other possible safety measure  
24          available to protect people like me and  
25          those working on our streets in the

1 waste industry each day. Thank you for  
2 your time.

3 MR. BLAND: Thank you, Lauren. Our  
4 next speaker will be Ron Bergamini from  
5 The Action Environmental Group. I also  
6 wanted add one note that anyone  
7 submitting comments after this hearing  
8 should submit them by close of business  
9 today.

10 With that, I will pass it to Ron.

11 MR. BERGAMINI: Thank you, Justin.  
12 I'm on? Well, first of all, Action for  
13 Environmental Services, we fully support  
14 these rules and aspirations that the  
15 rules imply. They also show what a  
16 difficult, tough, dangerous and  
17 essential business this is and the  
18 responsibility that the industry has  
19 towards the people of New York.

20 Ms. Pine just dramatically  
21 illustrated that. I thank her for her  
22 participation. One less nurse in the  
23 world is a tragedy. We've all seen that  
24 during the pandemic in what they've  
25 brought to the table.

1           Also, I want to use this  
2           opportunity, and I'm going to be real  
3           brief today, unlike usual, to thank the  
4           men and women in our industry who have  
5           been out on the front lines. I've  
6           always been proud to be in this  
7           industry, but my respect is now off the  
8           charts.

9           Because while I've been working  
10          safely from home, most of the folks have  
11          been going to work, whether to fix the  
12          trucks, to drive the trucks, whether to  
13          dispatch the trucks, whether it's DSNY  
14          or any of the people on this call, the  
15          people who work for them.

16          The industry and regulators must  
17          continue to work together. I know we  
18          have. I hope we can continue to do  
19          that. I understand that there's a  
20          safety committee that's going to be  
21          formed as part of this process. I think  
22          it's critical that we get that up and  
23          running as quickly as we can because we  
24          need to share information.

25          I will be submitting some written



1           comments later on today where we have a  
2           few questions, a couple of  
3           inconsistencies that we see and that, we  
4           think, together, we can easily get to  
5           where we need to be.

6           The telematics is a very good  
7           example of that. We don't want to  
8           overwhelm ourselves with data, and we  
9           don't want to have paralysis from that  
10          data. So, I think we really have to  
11          think carefully on how to do that.  
12          There's a couple of recordkeeping issues  
13          that we have, particularly with keeping  
14          the records in the truck, that we don't  
15          think is necessary.

16          But by and large, this is a step  
17          forward, yet I must say that I know  
18          we've been doing pretty much everything  
19          in here for years, and the people I see  
20          on this call here, they've been doing it  
21          too. So, hopefully we can get to be  
22          more uniform, we can share information.  
23          You might have heard me say before,  
24          safety is never proprietary.

25                 So, on behalf of our parent company,

1 Interstate Waste Services and the  
2 licensed company, Action, I appreciate  
3 the opportunity to comment today and  
4 welcome further participation. Thank  
5 you, Justin, and everyone.

6 MR. BLAND: Thank you, Ron. Our  
7 next speaker will be Corey Schoellkopf  
8 from New York Lawyers for the Public  
9 Interest.

10 MS. SCHOELLKOPF: Good morning. My  
11 name is Corey Schoellkopf. I am a legal  
12 intern working with the Environmental  
13 Justice Program at New York Lawyers for  
14 the Public Interest.

15 NYLPI's Environmental Justice  
16 Program has worked to make the City's  
17 waste system safer and more efficient  
18 for over two decades. Together with our  
19 Transform Don't Trash Coalition  
20 partners, we have advocated for a  
21 systemic overhaul of the City's private  
22 waste system.

23 So, it is exciting to be here today.  
24 I would like to thank the Department of  
25 Sanitation and Business Integrity

1 Commission for putting forward such  
2 comprehensive safety requirements.

3 The dangerous conditions of the  
4 current waste system are highlighted in  
5 a recently published safety report.  
6 Alarmingly, there has been an increase  
7 of 140 percent of crashes involving  
8 hauling companies from 2014 to 2020, and  
9 over half of inspected private  
10 sanitation trucks are taken out of  
11 service for serious safety violations.

12 Therefore, the implementation of  
13 more robust safety requirements is a  
14 huge advancement for the City. The  
15 proposed rules take key pieces of Local  
16 Law 199 and begin to put them into  
17 action. In particular, we are pleased  
18 to see the robust vehicle safety  
19 requirements, vehicle operational  
20 requirements and environmental  
21 considerations that have been made a  
22 part of these rules.

23 Aside from commenting in strong  
24 support of the proposed rules, we also  
25 have the following proposals to further

1 raise safety standards for workers and  
2 the public:

3 We would like to see additional  
4 training requirements in the rules,  
5 including a required pre-training  
6 program for drivers before they are put  
7 on commercial waste vehicles, as well as  
8 a significant training program for  
9 helpers.

10 We would also like the rules to  
11 include a way for an operator to report  
12 if they are forced to operate an unsafe  
13 commercial waste vehicle. And if such a  
14 report is made, there should be  
15 immediate action taken by the City.

16 Further, in addition to the  
17 prohibition of an individual from riding  
18 on the outside of a commercial waste  
19 vehicle, we would like there to be a  
20 requirement to remove the rear step from  
21 the back of the truck in order to  
22 physically prevent people from riding  
23 there.

24 We look forward to seeing the  
25 commercial waste zone be implemented

1 with the inclusion of the robust safety  
2 rules from the Department of Sanitation,  
3 and in the meantime, from the Business  
4 Integrity Commission. Thank you so  
5 much.

6 MR. BLAND: Thank you, Corey. Our  
7 next speaker is Phoebe Flaherty from  
8 ALIGN.

9 MS. FLAHERTY: Hi, good morning.  
10 Thanks for the opportunity to testify.  
11 My name is Phoebe Flaherty. I'm an  
12 Organizer at ALIGN, the Alliance for a  
13 Greater New York. We coordinate the  
14 Transform Don't Trash Coalition,  
15 Coalition of Environmental Justice  
16 Groups, labor, climate and street safety  
17 organizations working towards reforming  
18 the way commercial waste is collected in  
19 New York City, and worked with the  
20 Council in the past on commercial waste  
21 zones.

22 The implementation of commercial  
23 waste zones is essential to reducing New  
24 York's emissions through reducing truck  
25 miles and increasing recycling and

1 organics collection to creating good,  
2 green jobs and making our streets safer  
3 and cleaner.

4 We are very pleased to see this  
5 process moving forward and the second  
6 round of rules being established with  
7 public input. We know that the truck  
8 miles have decreased, but this year has  
9 still been one of the deadliest for  
10 waste collection collisions.

11 As we heard from Corey, we need  
12 safer vehicles and more training for  
13 workers. For the most part, we are  
14 happy to see these changes reflected in  
15 the safety rules. There are some  
16 instances where more training should be  
17 required, however.

18 In addition to the annual training  
19 required for workers, there should be a  
20 pre-training program for drivers before  
21 they start work on trucks and a  
22 significant training program for  
23 helpers.

24 We'd like to address a few other  
25 specific areas within commercial waste

1 zone rules as well. Those are submitted  
2 already, so we can follow up with this.  
3 But regarding Section 2051(b)6, in  
4 addition to this rule prohibiting  
5 workers from riding on the back of the  
6 truck, there should be an additional  
7 rule to remove the rear step from the  
8 back of the truck to physically prevent  
9 people from riding there; such as what's  
10 occurred with DSNY trucks.

11 Regarding Section 2052.4(b), in  
12 addition to this requirement, if someone  
13 is forced to operate an unsafe truck,  
14 there must be a way to report to the  
15 City and immediate action should be  
16 taken by the City.

17 Regarding Section 2857 regarding a  
18 cab-over-truck design, this rule should  
19 be reconsidered as it offers less  
20 protection between drivers and the road  
21 and can be more risky for drivers during  
22 an accident.

23 Overall, we are pleased with the  
24 second round of rules, but ask that you  
25 incorporate the above feedback, which we

1 believe will lead to greater safety for  
2 workers, pedestrians and cyclists in New  
3 York City. Thanks again for your time  
4 and dedication to this process.

5 MR. BLAND: Thanks, Phoebe. So, we  
6 have two speakers remaining on the list.  
7 If anyone else cares to speak, please  
8 indicate in the chat feature.

9 Our next speaker is Paul PZ  
10 Zambrotta with Mr. T Carting.

11 (No response.)

12 MR. BLAND: Paul, are you there?

13 MR. ZAMBROTTA: Hello?

14 MR. BLAND: Hi, we can hear you.

15 MR. ZAMBROTTA: Can you hear me now?

16 MR. BLAND: Yes. Go ahead, please.

17 MR. ZAMBROTTA: Okay. Good morning.

18 This is Paul Zambrotta from Mr. T  
19 Carting. I'm the Safety Director here.  
20 I've been with the company over twenty  
21 years. I've also been on BIC's Safety  
22 Committee with a lot of the people I see  
23 on the call today.

24 I wanted to speak briefly on a  
25 couple of issues. Number one is



1 Section 2, letter M; I feel it's  
2 unnecessary to clutter the truck with  
3 five years worth of inspections and  
4 certification repairs.

5 We do keep extensive records here at  
6 our company. Mostly everything is  
7 stored electronically, and I think in  
8 today's times, that should suffice.  
9 Also, in accordance with FMC's  
10 regulations, the records are required to  
11 be kept for a minimum of 18 months.  
12 Again, we go above and beyond that;  
13 we've got ten years worth of records.

14 We are trying to minimize the  
15 clutter in the trucks, and I feel that  
16 the excessive paperwork required to be  
17 kept in the trucks might compromise the  
18 safety of the driver, or the helper  
19 even, in their performance.

20 In regards to Section 4(b)1, where  
21 it says, "A truck shall not back through  
22 an intersection," there are many times  
23 when the truck has to back down a dead  
24 end street. In order to safely do so,  
25 the spotter has to get out of the truck

1 and back the vehicle, safely, mind you,  
2 through the intersection in order to do  
3 that.

4 There are also occasions where there  
5 are private properties that sometimes  
6 might be inaccessible and there are  
7 extreme circumstances where the driver's  
8 helper, again, safely must navigate  
9 through those intersections.

10 In regards to Section 5-14(b), the  
11 requirement for drivers to do defensive  
12 driving every couple of years, I would  
13 like to comment that there is a  
14 professional online truck driver class,  
15 DDC online professional truck driver,  
16 through the National Safety Council.

17 I feel it focuses more on the  
18 responsibilities of a commercial driver  
19 rather than just a general defensive  
20 driving class. We've actually signed up  
21 all our drivers for it and had good  
22 success with it. The drivers also have  
23 the ability to log in and log out at  
24 their convenience, and they get an exam  
25 and a certificate at the end.

1           Lastly, in regards to the cab-over  
2           design, our company particularly stopped  
3           purchasing them in 2014 for a few  
4           reasons. Driver and helper physical  
5           safety, I mean, you're sitting on top of  
6           the front axle the entire the night,  
7           which is not good for the spine.

8           You decrease your field of view  
9           because you're lower to the ground. In  
10          order to make turns, the front of the  
11          cab has to turn in a "whipping" motion,  
12          and we've also found that the rear-end  
13          suspensions get broken more easily by  
14          those whipping turn motions. That's all  
15          I have to say. Thank you for your time.

16          MR. BLAND: Thank you, Paul. So,  
17          now we have two speakers left. And  
18          again, if anyone wants to sign up to  
19          speak, please indicate in the chat  
20          feature.

21          Our next speaker will be Thomas M.  
22          Toscano from Mr. T Carting.

23          MR. TOSCANO: Good morning, all. I  
24          am Thomas M. Toscano, as has already  
25          been stated, I am the CEO of Mr. T

1           Carting. We're a third-generation  
2           family business. We've been in business  
3           for nearly seventy-four years. I'm also  
4           an attorney, and I say that because I've  
5           represented a lot of people, including  
6           our own drivers, in traffic violations  
7           and truck violations.

8           I am very familiar with the subject  
9           matter. I also want to add that I'm an  
10          avid cyclist and I biked over 5,000  
11          miles last year alone, most of them in  
12          the borough of Queens. So, I'm very  
13          familiar with cycling in the City,  
14          including bike lanes, parks, things of  
15          that nature.

16          I agree with the sentiments that are  
17          already expressed. We are all in favor  
18          of trying to make this industry more  
19          safe. I welcome most of these rules. I  
20          have very few issues, and that's what  
21          I'm going to focus on.

22          The first one is the Pattern of  
23          Unsafe Practices Section that's in both  
24          the DSNY and the BIC rules. And  
25          particularly, I want to speak about

1           number five on that list. I'll just  
2           read it, it's very short. "A trade  
3           waste vehicle may not obstruct a bike  
4           lane, bus stop, sidewalk, crosswalk or  
5           intersection."

6           I'm not advocating doing these  
7           things, but realize that every one of  
8           those items I've just listed are parking  
9           violations. If you have a driver's  
10          license in the City and/or State of New  
11          York, you can get over a thousand  
12          parking tickets in a year and they have  
13          absolutely no effect on your license,  
14          just as long as they're paid.

15          In other words, you're declaring the  
16          sanitation driver and their companies  
17          unsafe for parking violations. If this  
18          rule passes as it is, they will be the  
19          only drivers in the City held to that  
20          standard. This section also seems to  
21          have no perspective on what sanitation  
22          workers have to do to pick up in this  
23          City.

24          These trucks are very large, and it  
25          is impossible for them to find legal

1 parking spots to complete their routes.  
2 When they have to stop, it's usually a  
3 list of bad choices from double parking  
4 to blocking a one-lane street or trying  
5 to back into corner for a large stop so  
6 as not to have to carry the bags out a  
7 great distance.

8 I am all for continuing discussions  
9 on best practices on how to pick up  
10 waste and recycling safety, but please  
11 don't declare operators and companies  
12 unsafe for parking infractions.

13 One last thing on this, and I've  
14 already mentioned my cycling experience,  
15 I use bike lanes a lot, and I can  
16 honestly say, I've never seen one  
17 blocked by a private sanitation truck.  
18 I'm not saying it doesn't happen, but  
19 most of the time when I have to go  
20 around a vehicle out of a bike lane,  
21 it's because of a privately-owned car, a  
22 taxicab or a UPS or Amazon-type delivery  
23 truck that causes this.

24 I actually asked a DOT rep at one of  
25 their safety events what the best

1 practice was with this, because you've  
2 got to realize, the drivers, again, with  
3 bike lanes are making one of a couple of  
4 bad choices. If they don't block the  
5 lane and leave it open, first of all,  
6 they're further out in traffic and also,  
7 now you're asking them to carry garbage  
8 bags over the bike lane as bikes could  
9 potentially be trying to squeeze between  
10 a truck and the parked cars risking them  
11 being hit.

12 And while it wasn't a bicycle, this  
13 weekend, putting these helpers and  
14 drivers out into traffic is a risk.  
15 There was one killed over the weekend  
16 that was hit by another motorist.  
17 Again, I think there has to be a  
18 discussion on this. All I'm saying is  
19 that people shouldn't be declared unsafe  
20 for, again, what would be considered a  
21 parking violation.

22 One of the other few rules that I  
23 had an issue with was the windshield  
24 obstruction. We have computers in all  
25 our trucks and they're suspended from

1 the ceiling next to the rear-view  
2 mirror. Not only do they guide the  
3 trucks through their routes, they also  
4 have cameras all around the trucks that  
5 act as a safety tool.

6 Our trucks have at least five, if  
7 not seven cameras; behind, sides, and  
8 we're actually installing other sensing  
9 equipment, unrelated to this.

10 Everything on that windshield obstructs  
11 the windshield; a rear-view mirror  
12 obstructs the windshield, a registration  
13 sticker obstructs the windshield; an  
14 inspection sticker obstructs the  
15 windshield.

16 This rule is very subjective, and  
17 it's going to lead to needless  
18 violations. Again, let's have a  
19 conversation as to what belongs there  
20 and what doesn't, and maybe there's a  
21 better place to put things without  
22 having an open rule like this.

23 The last thing I'll mention is the  
24 telematics. This is only in the DSNY  
25 proposed regulations, but it is clear



1           they want data. And I believe Ron  
2           Bergamini already touched on this, we  
3           have a pretty state-of-the-art system in  
4           our trucks that keeps track of speed,  
5           and we actually have recordings of all  
6           these cameras all night long.

7           But we don't have anything attached  
8           to the engine. By doing this, without  
9           having a discussion first, you may be  
10          requiring people to add a whole new  
11          system that's very expensive and it's  
12          going to increase the cost when zones  
13          are bid on for one or two features that  
14          may or may not be necessary.

15          Again, just to require this as it is  
16          now, I don't even know if there's a  
17          system out there that exists that does  
18          this. I'll just conclude by asking  
19          again that we have a collaborative  
20          discussion, like in the BIC Trade-Waste  
21          Advisory Meetings on these safety issues  
22          and best practices and use those forums.  
23          I wish they were monthly like they used  
24          to be, now they're only quarterly.

25          We want to be more safe. I don't

1           like when I hear stories about anybody  
2           being hurt in this industry, whether it  
3           be a driver, a helper or that poor young  
4           woman that spoke earlier today. None of  
5           us wants to see that. It leaves a black  
6           cloud on everyone in this industry.

7           We want to be more safe. Let's work  
8           together to get there without having  
9           blanket rules like this. Again, we  
10          support most of the rules with the  
11          exception of the few that I mentioned,  
12          and thank you. Thank you for the  
13          opportunity.

14          MR. BLAND: Thanks, Tom. We have  
15          had another couple of people sign up to  
16          speak. Our next speaker is Steve  
17          Changris from the National Waste and  
18          Recycling Association.

19          MR. CHANGRIS: Justin, thank you  
20          very much for the opportunity to offer a  
21          few brief remarks. I will add our voice  
22          to some of the industry concerns about  
23          the regulations.

24          First and foremost, the Association  
25          is designed to educate and inform, and

1 enlighten and advance the industry. And  
2 over the years, we've done a lot of work  
3 in the safety space. We've been with  
4 BIC when they've done their safety  
5 symposia, and we've worked with the  
6 development of the manual with the  
7 Department of Sanitation.

8 Safety is a huge issue in our  
9 industry. In my thirty-year tenure,  
10 I've seen a great change of heart within  
11 the last five to ten years within the  
12 industry about really taking these  
13 issues seriously. So, this isn't lip  
14 service. It isn't address the issue and  
15 we can get off of it so we can do  
16 something else later.

17 Safety is an every day issue, 24/7,  
18 365 days a year. On that note, we  
19 applaud BIC and DSNY for doing these  
20 rules. We had marked that they were  
21 coming, and they've been expected.  
22 We're anxious to be helpful to implement  
23 them and really get the full value of  
24 them.

25 There's no overarching or underlying

1 issue with the regulations that the  
2 industry is adamantly opposed to. These  
3 are all basically sound safety advances  
4 that we can live with. We have formal,  
5 written comments, which we'll put on the  
6 record by close of business today.

7 The kinds of concerns that we wanted  
8 to bring up to today is this, sort of,  
9 benefit between really raising the bar  
10 for safety versus having a lot of  
11 administrative headaches and overhang.  
12 Several of these issues have already  
13 been touched on today.

14 First, the issue of having the  
15 records in the vehicles. All different  
16 kinds of records, all different  
17 applications for different vehicles of  
18 different lengths is just not the right  
19 place to keep the records. We do  
20 appreciate on demand availability of the  
21 records, and we can make them available  
22 to any inspector or any DSNY person, any  
23 BIC person, any investigation that's  
24 necessary. But to require that they're  
25 kept in the cab and being managed by

1 helpers and drivers is not the place we  
2 think they should be kept.

3 We also have an issue with just the  
4 practicality of one of the criteria,  
5 like you said, there are six criteria,  
6 and the four-incident trigger, we draw  
7 some attention that the four-incident  
8 trigger will have a different effect  
9 based on the size of the company.

10 When you consider that there are  
11 hundreds of thousands of hours in  
12 collecting trash, whether you have a  
13 small company, a medium-sized company or  
14 a large company, to have an absolute  
15 four-incident-over-six-month trigger, we  
16 appreciate the goal and we strive for  
17 it.

18 I mean, we've all been in workplaces  
19 where we've seen, "Safety is not a  
20 slogan, it's a practice;" "This  
21 workplace hasn't had an accident in so  
22 many days." We all strive to have the  
23 longest running tally on those days as  
24 possible.

25 But in this case, one of the

1 criteria, the parking that Tom had  
2 mentioned about and just the physicality  
3 of it; you can't get at the trash and  
4 the recyclables, unless you do these  
5 things. And to have that as a trigger,  
6 most of the companies, the first night  
7 out, they'd have problems. So, we  
8 encourage some relief there and some  
9 discussion around that point.

10 I think on the other two or three  
11 issues, on the telematics and on the  
12 cab-over, these are things that the City  
13 wants to be done. I think it's great  
14 that we've telegraphed that in the  
15 regulations and the folks coming to the  
16 table to work on the bids have that in  
17 full sight.

18 But, again, on the telematics issue,  
19 the concept of 24/7, six to seven days a  
20 week of streaming data, there's no doubt  
21 that we want to use that data to run our  
22 companies as successfully and as safely  
23 as possible, and we're doing that today.  
24 But who is going to be looking at it  
25 24/7, and what are you going to do with

1 the data once it streams in? All  
2 problematic.

3 So, we're much more interested in  
4 achieving the compliance of using this  
5 technology to drive innovation and  
6 improvement, but on the other hand,  
7 there has to be some reasonable way to  
8 administer it and not get drowned in a  
9 constant stream with a lot of  
10 administrative overhead and overhang.

11 So, our comments are on the record.  
12 We appreciate the opportunity to  
13 testify. We consider ourselves strong  
14 safety partners with the City to advance  
15 this. And again, the mantra that we  
16 want to send everyone out in the course  
17 of the day and bring them home safely is  
18 key, and we want to be the best  
19 corporate citizens in the neighborhoods  
20 and with the businesses that we serve.

21 So, thank you for the opportunity to  
22 testify. We'll get the records in on  
23 the record later, and we look forward to  
24 continuing our work with the City to  
25 improve trade waste operations. Thank

1           you very much.

2           MR. BLAND: Thanks, Steve. We have  
3 a couple more people signed up to speak.  
4 Just another reminder, if you're sending  
5 written testimony, please send it by  
6 close of business today.

7           And our next speaker is David  
8 Biderman from the Solid Waste  
9 Association of North America.

10          MR. BIDERMAN: Thank you, Justin.  
11 Good morning, everyone. I'm David  
12 Biderman. I'm the Executive Director  
13 for SWANA, the Solid Waste Association  
14 of North America. We're the largest  
15 waste and recycling association in the  
16 country and have a strong presence in  
17 New York City.

18          It's great to see many of you who I  
19 have not seen in person for more than a  
20 year, and I hope everyone is well and I  
21 look forward to seeing you in person  
22 later this year.

23          Paul Zambrotta is the Ambassador in  
24 New York, and we agree with his  
25 testimony. I wanted to provide



1 additional comments regarding the  
2 testimony, and we will not --

3 (Whereupon, Mr. Biderman experienced  
4 technical difficulties.)

5 MR. BLAND: David, your connection  
6 seems to not be great. Maybe if you  
7 turn your video off, that would help.

8 MR. BIDERMAN: Okay. We will try  
9 this again. Can you hear me a little  
10 better now, Justin?

11 MR. BLAND: Yes, that seems to work.

12 MR. BIDERMAN: Excellent. The IT  
13 department at my house, isn't working  
14 very well right now. As I was saying,  
15 we support the overall direction of  
16 these rules. The status quo is not  
17 acceptable, even though there have been  
18 improvements in the industry both in New  
19 York City and nationwide.

20 SWANA does safety training all over  
21 the country. I've done safety training  
22 in the City with a number of carters. I  
23 see the improvements. These rules,  
24 however, will help in moving the  
25 industry towards a safer place. I do

1 have some concerns about several of the  
2 requirements, which have been previously  
3 mentioned, but I would just like to  
4 reiterate them.

5 Having a lot of documents in the cab  
6 of the truck does potentially create  
7 safety concerns in the vehicle. And I  
8 think there must be a better way for a  
9 licensee or a registrant to be able to  
10 demonstrate compliance with the  
11 applicable recordkeeping requirements  
12 than keeping a certain volume of written  
13 documents in the truck.

14 Secondly, when I first read the  
15 proposed rules and saw the proposal in  
16 5-10(d) about windshield visibility, I  
17 thought about all the cabs of trucks  
18 that I've sat in and the various devices  
19 that are in the truck that help the  
20 driver maintain safety, whether it's  
21 looking at a screen for a backup camera,  
22 whether it's the drive cam-esque type  
23 device.

24 There are a number of things that  
25 are used to promote safety, and I think

1 we need to be advised, the BIC and DSNY,  
2 to review the language to see whether  
3 some objective standard could be there  
4 where no more than, say, a certain  
5 percent of the windshield is covered so  
6 that there isn't that kind of  
7 subjectivity and you deter people,  
8 companies, from incorporating needed  
9 safety devices.

10 The last two things I just want to  
11 briefly mention, and Lauren Pine, I am  
12 so very sorry. Our industry,  
13 unfortunately, is involved in way too  
14 many of these horrific events. And I  
15 hope that today's hearing and these  
16 rules, and future DSNY, BIC, SWANA and  
17 other safety events reduce and  
18 potentially eliminate them from  
19 happening.

20 As I close, I am mindful, as I'm  
21 sure some of you are, of the incident  
22 that occurred in Brooklyn over the  
23 weekend where Angel Aguilar-Duran was  
24 killed. I'm not sure the rules would've  
25 kept him from getting killed. And so,

1 we need to keep in mind the frontline  
2 workers when we're creating these rules.  
3 We must do that, not just as a matter of  
4 policy from a regulatory perspective,  
5 but as a matter of best practices from a  
6 business perspective. We should not put  
7 our workers in a position so that they  
8 are at risk.

9 Thank you again to the Department  
10 and the Commission, the BIC for holding  
11 this hearing. I, personally, and SWANA,  
12 organizationally, looks forward to  
13 working with you on implementation.  
14 Thank you very much.

15 MR. BLAND: Thank you, David. So,  
16 we have one final speaker who has signed  
17 up. So, if anyone else wishes to speak,  
18 now is your last opportunity to sign up.

19 Our last speaker will be Bonacio  
20 Crespi.

21 MR. CRESPI: Thank you. Good  
22 morning. My name is Bonacio Crespi.  
23 I've been working in the industry for  
24 twenty-two years. I work for M&M  
25 Sanitation.

1           As far as the low entry cab trucks,  
2           they're thirty percent more expensive to  
3           purchase and maintain. If this mandate  
4           is established, the added operational  
5           expense of replacing trucks will be very  
6           significant and could likely kill  
7           competition in the procurement process  
8           of the CWZ.

9           The focus of truck mandates moving  
10          forward should be on the developing and  
11          providing lower, cleaner emissions  
12          vehicles. The added expense of  
13          converting the type of cabs will  
14          increase costs and reduce the number of  
15          bidders.

16          Conventional cabs have utilized  
17          state-of-the-art camera systems and nose  
18          mirrors to protect the pedestrians in  
19          crosswalks. The profile of the hood has  
20          excellent vision in each corner. The  
21          driver also sits higher, as well as  
22          maintains a greater distance view. At  
23          the end of the day, a tired driver, or a  
24          driver that has back pains because of  
25          those cab-overs is going to be a

1           distracted driver.

2           I've been in this industry for a  
3           long time and I've been very fortunate  
4           to be employed by my employer, M&M  
5           Sanitation. They go through all these  
6           safety rules and everything. They  
7           maintain all their trucks. But certain  
8           things, like all these bike lanes and  
9           they have these new islands before the  
10          corners, they become obstacles. The job  
11          gets harder because the road becomes  
12          smaller.

13          We're trying to do our best. My  
14          heart goes out to Ms. Pine. It's a  
15          tragic accident. Thank you for letting  
16          me testify, I appreciate it.

17          MR. BLAND: Thank you, Bonacio. No  
18          one else is signed up, so that will  
19          conclude the oral testimony.

20          Again, I encourage everyone who  
21          spoke, if you haven't done so already,  
22          please also submit your comments in  
23          writing. That will just help the  
24          Departments consider your comments more  
25          thoroughly.

1           The e-mail addresses are in the  
2 chat. I'll state them again, for people  
3 just listening. It's  
4 NYCrules@DSNY.NYC.gov, or you can submit  
5 it to BIC at Sal Arrona,  
6 SARRONA@BIC.NYC.gov. If you did not  
7 speak, we need your testimony by close  
8 of business today to consider it.

9           So with that, I will conclude  
10 today's hearing. I thank everyone for  
11 their participation today. Have a good  
12 day.

13           (TIME NOTED: 10:25 a.m.)

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## C E R T I F I C A T E

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

I, Danielle Rivera, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on 04/13/2021.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of April 2021.

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DANIELLE RIVERA



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