THE CITY OF NEW YORK
DEPARTMENT OF SANITATION

PROPOSED RULES GOVERNING THE DISPOSAL AND COLLECTION OF BEDDING

NOTICE IS HEREBY GIVEN in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by section 753(a) and (b) of the New York City Charter that the Department proposes to adopt the following rule governing the disposal of bedding. This rule adds a new section 1-04.1 of Chapter 1 of Title 16 of the Rules of the City of New York. Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

Written comments regarding this proposed rule may be sent to the office of the Deputy Commissioner for Legal Affairs, New York City Department of Sanitation, 125 Worth Street, Room 710, New York, New York 10013 on or before October 21, 2010 or comments may be submitted electronically through NYC RULES at www.nyc.gov/nycrules on or before October 21, 2010. In addition, a public hearing regarding the proposed amendment will be held on October 21, 2010 at 125 Worth Street, Third Floor Boardroom (Room 330), New York, New York from 9:30 a.m. to 11:30 a.m.. Persons seeking to testify are requested to notify the Deputy Commissioner at the foregoing address. Persons who request that a language interpreter or sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Edna Luna by October 14, 2010. Ms. Luna may be contacted by fax at (212) 788-3876 or by mail at 125 Worth Street, Room 710, New York, New York 10013. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at the office of the Deputy Commissioner. Dated: September 16, 2010. John J. Doherty, Commissioner.

The rule was not included in the Department's FY 2011 regulatory agenda because it was not contemplated at the time the Department published its FY 2011 regulatory agenda in the *City Record* on May 7, 2010.

Section 1. Chapter 1 of title 16 of the rules of the city of New York is amended by adding a new section 1-04.1 to read as follows:

§ 1-04.1 Collection of bedding.

(a) Definitions. For purposes of this section, "Bedding" shall mean any mattress or box spring which can be used by any human being for sleeping or reclining purposes.

(b) Any bedding placed at the curbside or other designated area for collection by the department shall be enclosed within a plastic bag. Such bag shall be constructed in such a manner and be of such size as to readily contain the bedding to be disposed of. Such bag must be securely sealed after the bedding is placed inside.

(c) Failure to enclose any bedding placed at the curbside or other designated area for collection by the department within a plastic bag pursuant to this section shall be a violation of §16-120 of the New York City Administrative Code.

STATEMENT OF BASIS AND PURPOSE

The Commissioner of the New York City Department of Sanitation is authorized to adopt rules relating to the removal and disposition of ashes, street sweepings, garbage, refuse, rubbish and waste and rules specifying the kind of ashes, garbage, refuse, rubbish or other material or substance that will be collected by the city, from whom it will be taken and the manner in which it shall be arranged or sorted pursuant to section 753(a) and (b) of the New York City Charter.

Recently, New York City has seen a rise in the number of incidents of bed bug infestation. Bed bugs, or *cimex lectularius*, are small wingless insects that grow to approximately one-quarter inch in adulthood. Bed bugs feed on the blood of warm-blooded animals and are generally more active at night. They tend to hide in cracks and crevices. Due to this, bed bugs desire locations like bedding, such as mattresses and box springs. Currently, in New York City, bed bugs are increasingly present in homes, apartments, hotels and motels, as well as other heavily habitable areas.

In order to take steps to help prevent further proliferation of bed bug infestation, the Department proposes to set criteria for the disposal of bedding, defined as mattresses and box springs. The proposed rule provides that any bedding set out for Department collection must be contained within a plastic bag. The plastic bag must fully contain the bedding that is being disposed of. Further, the bag must be securely sealed after the bedding is placed inside. The rule further provides that failure to dispose of bedding within a plastic bag shall be considered a violation of §16-120 of the New York City Administrative Code for failure to use the proper disposal receptacle.