

**Testimony of  
Jessica Tisch, Commissioner  
New York City Department of Sanitation**

**Hearing before the New York City Council  
Committee on Sanitation & Solid Waste Management  
Wednesday, May 1, 2024 10:00 A.M.**

**Oversight: Street Cleanliness**

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Good morning, Chair Abreu and members of the Committee on Sanitation and Solid Waste. I am Jessica Tisch, Commissioner of the New York City Department of Sanitation, and I am joined today by Joshua Goodman, Deputy Commissioner for Public Affairs and Customer Experience, and by Ryan Merola, Chief of Staff and Deputy Commissioner, External Affairs.

The 10,000 New York's Strongest are tasked with as Sisyphean an undertaking as you will find in our City: collecting and processing 24 million pounds of residential waste each day, only to find another 24 million pounds waiting for them the day after... and the day after... and the day after.

It is a task that is literally without end, and for many decades, the continuous nature of this work gradually developed into a cynicism; a belief that because the trash just keeps coming, that meant solutions to street cleanliness were also impossible.

We know, today, that that is wrong.

Choosing to surrender the streets to the black bags of trash, to litter and to litterers, and – worst of all – to the rats is a conscious choice.

But instead, waging a Trash Revolution against filth can also be a choice – a choice this administration has made clearly and steadily, but one where we need your help and support.

**Containerization**

We are moving forward with a once-in-a-generation change to the way the trash is set out, making tremendous strides in the long-discussed but long-delayed process of getting every single piece of trash off our streets and sidewalks and into secure bins and containers.

In October 2022, the Adams administration kicked off this Trash Revolution by changing set-out times for both residential and commercial waste from 4:00 PM — one of the earliest set-out times in the country — to 8:00 PM in April 2023, while also allowing earlier set-out if the material is in a container. This incentive of containerization was paired with major changes to DSNY operations, picking up more of the trash far earlier, including ending a practice by which up to one fifth of trash had been left out for a full day.

Later that month, DSNY published its "Future of Trash" report, the first meaningful attempt to study containerization models in New York City, and the playbook to get it done.

Last August, containerization requirements went into effect for all food-related businesses in New York City. These businesses — restaurants, delis, bodegas, bars, grocery stores, caterers, etc. — produce an outsized amount of the type of trash that attracts rats.

That same month, installation of the initial 10-block, 14-school Manhattan Community Board 9 pilot containers began.

Last September, commercial containerization requirements extended to chain businesses of any type with five or more locations in New York City. These chain businesses tend to produce a large total volume of trash.

Starting March 1, 2024, container requirements went into effect for all businesses — of every type — in New York City to get their trash off the streets and into a secure bin. There is now a new 311 service request whereby residents can report a business not using bins.

Later this fall, when container requirements go into effect for low-density residential buildings — those with one to nine units — approximately 70 percent of all trash in the city will be containerized.

In the spring of 2025, installation of stationary on-street containers will begin in Manhattan Community Board 9 for the first full-district containerization pilot, serviced by new automated side-loading trucks.

This represents a complete overhaul of an essential service that effects every neighborhood, every street, and every building in our City — and it is working, with historic decreases in rat sightings reported concurrently with this effort.

## **Litter Baskets**

This work of rethinking how the trash is stored does not only apply to waste set out for collection, but to public space trash as well; that's why DSNY is excited that New York City's street corners now have more than 1600 litter baskets of the future, which we call the BetterBin. The old green mesh basket had become an icon over decades of use, but it is an icon of a different time; its widespread presence was based more on inertia than on effectiveness.

The old baskets are full of holes from which garbage juice gets out and through which rats get in. The new baskets have no holes for the first 8 inches, and much smaller openings throughout. They are harder to misuse, take longer to fill up, and are far easier for Sanitation Workers to service. This is in addition to a modular design that means only the least expensive part ever needs to be replaced.

We are grateful to our Council partners who have purchased several hundred BetterBins over the past two fiscal years with their discretionary funds. We are excited to work with your offices in the next year to keep BetterBins rolling out.

## **Enforcement**

While the Department of Sanitation will never enforce for enforcement's sake, over the last two years we have worked to hold property owners accountable to the very basic requirements around cleanliness – the legal requirements to maintain a clean sidewalk, to remove litter and debris from the first 18 inches into the street, and to set out waste at the proper time and in the proper receptacles. In 2023, our enforcement of these critical rules around cleanliness was up over 60% compared to the year prior, and we target ongoing enforcement in the highest-density parts of the City, doubling down on this Council's designation around Rat Mitigation Zones.

In addition to enforcing the basic rules of cleanliness outside every property in the City, we have implemented new strategies to combat two specific quality of life offenses.

The first is our camera enforcement approach to the scourge of illegal dumping. Illegal dumping is defined in the law as the disposal of at least one cubic yard of material – approximately two large trash bags – from a vehicle. This occurs in areas that dumpers consider to be “out of the way,” like dead-end streets, underpasses, and, perhaps most distressingly, alongside cemeteries.

For many years, the Department of Sanitation did not have a meaningful enforcement strategy against the crime of illegal dumping. We just cleaned and cleaned over and over again, and the behavior continued to afflict neighborhoods like East New York, Glendale, and Hunts Point.

We have *significantly* stepped up illegal dumping surveillance in the last two years. Last year, we issued more than 300 summonses for illegal dumping, an increase of about 70% over 2022. Each of those summonses start at \$4,000, with the cost of cleaning up the mess also passed along to the dumper. And we impound the vehicles involved.

The dumpers are on notice that they won't get away with it any longer.

The same is true for people who use our streets as free storage for abandoned or derelict vehicles. Under state law, DSNY has jurisdiction for the removal of vehicles identified as derelict, meaning without license plates and with a value of under \$1,250, with authority for removal of vehicles outside this category residing with the NYPD. But for the public, this distinction is meaningless. Who knows the value of a car that has taken up space outside their home, sometimes for years without moving? Who needs to know which agency to call?

That's why in 2023, DSNY and NYPD launched an interagency Abandoned Vehicle Task Force to cut through the red tape. A team of five NYPD officers were assigned to DSNY to partner with our derelict vehicle operations team so that when we encounter vehicles on the streets that do not meet the derelict criteria but qualify as abandoned, we can action them then and there. Thanks to these efforts, in 2023, we increased our derelict vehicle removal by 43%, and removed nearly 8,000 vehicles that calendar year. In 2024, we're on pace to dwarf that number.

All of you celebrate this work and most of you ask for *more* of this work. You speak often about the concerns of your constituents related to the cleanliness of commercial corridors and other dirty conditions in your districts.

But there are gaps in our enforcement authority – areas where the Department of Sanitation does not have the tools we need to do our job. And yet the bills that would help prevent the worst recurrent conditions are not on the agenda; two have yet to be heard.

We want to get the job done. And we need your partnership to give airtime at a future hearing to bills that will help us prevent the worst recurrent conditions. That is why we are calling on you to support the passage of the following three Council bills that will allow us to keep the city cleaner.

Intro 97, sponsored by Council Member Ung, will provide a meaningful escalator in fines for the small number of residential property owners who repeatedly allow filth to congregate on our streets and sidewalks. Intro 11, sponsored by Council Member Bottcher, will expand the hours of the day that DSNY may enforce commercial cleanliness rules, and Intro 57, sponsored by Council Member Osse, will codify and clarify the penalties for failure to containerize waste, one of the most successful cleanliness programs underway in the City.

In 2023, over 1,600 locations received four or more summonses for Dirty Area, and nearly 500 were issued 10 or more. Three dozen were issued FIFTY or more! Clearly, the escalating fine structure is not currently steep enough to act as a disincentive to repeat offenders.

Enforcement is not about generating revenue; it is about compliance, but under the law today, bad actors can simply look at DSNY enforcement as the cost of doing business. That has to change.

Cleanliness is a shared responsibility. We urge this Committee to add bills that recognize that to upcoming hearings.

## **Legislation**

I will now turn to the bills that are on today's agenda.

Intro 3, sponsored by Chair Abreu, would set a new 72-hour window for the removal of abandoned and derelict vehicles. We strongly support the concept of this bill, and as mentioned earlier, have developed new strategies around this issue. However, we believe that DSNY is not staffed appropriately to action this window, and there must be considerations given to special circumstances that require vehicles to remain on the street for longer than 72 hours, such as criminal investigations. We would be happy to discuss the bill with you, Chair, and our colleagues in City Hall.

The same is true for Intro 52, sponsored by Council Member Moya, which would replace the City's existing cleanliness scorecard system with a far more extensive one. DSNY has stated

publicly over a period of many years that we believe the current scorecard system is flawed and requires significant revisions. We are already in discussions with our Council and City Hall colleagues on potential revisions, particularly around the substantial price tag associated with the bill as written.

As should be clear from this testimony, DSNY is not shy about or embarrassed by our enforcement actions, and so we appreciate the reason for Intro 102, Council Member Yeger's bill on pairing summonses with photographs. However, the bill as written and the laws guaranteeing the right to confront evidence would mean DSNY officers will be taken out of the field and placed into OATH hearings every single time a violation is heard. It would impede DSNY's ability not only to enforce but to perform normal supervisory duties in the field. Given that, we cannot support the introduction at this time.

Fourth, we have a perennial favorite topic, dog waste collection, in Council Member Menin's Intro 281. The proposal requires dog waste disposal bags be placed on litter baskets. Given the dynamic nature of waste disposal – i.e., that a Sanitation Worker physically lifts and puts down the basket to empty it – litter baskets are not a practical place to affix a dog waste bag dispenser. However, making dog waste bags more readily available is a goal that we support and we would appreciate the chance to discuss the legislation with the Council Member and our sister agencies.

Council Member Holden's Intro 43 would require that public waste receptacles be emptied at least once per day. DSNY engages in frequent review of the average fullness of corner litter baskets using a variety of data sources, and the Department is the appropriate place for the decision to be made on how to most efficiently allocate these resources. We have concerns about the fiscal impact of this bill.

Finally, we have the Chair's recent proposal, Intro 736. The bill's contraceptive mechanism is within the purview of the Department of Health, and they have submitted written testimony on this topic.

We look forward to taking your questions and appreciate the opportunity to discuss this serious issue – both what is on today's agenda, and what we believe should be.