

**Testimony of
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New York City Department of Sanitation**

**Hearing before the New York City Council
Committee on Sanitation & Solid Waste Management
Wednesday, September 25, 2024, 10:30 A.M.**

Oversight Hearing: Waste Diversion

Good morning, Chair Abreu and members of the Committee on Sanitation and Solid Waste Management. I am Joshua Goodman, Deputy Commissioner of Public Affairs & Customer Experience at the New York City Department of Sanitation, and I am joined today by Jennifer McDonnell, Assistant Commissioner of Solid Waste Management, and by Kate Kitchener, Director of the Bureau of Recycling and Sustainability.

I would like to begin today by acknowledging the tragic loss of Sanitation Worker Richard Errico, a 19-year veteran of our Department who was killed in the performance of his duties this past weekend. All of New York's Strongest are in mourning, and we appreciate the words of support that have come from all corners of the City.

Every day, 24 million pounds of waste go from the curb and into the white trucks of the Sanitation Department. If observing life in New York City is the greatest show on earth, then New York's Strongest are its most dazzling performers, making the bags and bales of material disappear from our streets and sidewalks like master magicians.

But we all know that the rabbit doesn't really vanish inside the hat, and the waste – our waste, produced by 8.5 million New Yorkers, including you and me and everyone in this room – doesn't just “go away,” either.

Most of it is either sent to waste-to-energy facilities in New Jersey, Pennsylvania, or upstate, where it becomes heat and power for homes, or to landfills in Virginia, South Carolina, and elsewhere, where it can sit indefinitely and become nothing.

DSNY does not accept this as an inevitability, and the diversion of waste to differing forms of beneficial reuse has been part of our strategic planning for the Department's entire history, at least from the first contract to produce fertilizer, grease, and soap out of garbage on Barren Island in Brooklyn in 1896.

Today, those waste diversion plans are far more advanced, and proceeding at a far quicker pace. The Commercial Waste Zone program, now being implemented in the first of 20 zones, provides the first meaningful financial incentive for commercial diversion, with the collection of recyclable and compostable material both costing businesses less money than the collection of trash.

I would like to take the opportunity – as DSNY has done at three previous hearings – to again raise the issue of commercial organics separation. Local Law 146 of 2013 requires certain commercial establishments to separate their compostable material, but this law is now substantially out of step with the City’s commitment to diversion of compostable waste. While the Commercial Waste Zone system will improve commercial diversion, we also urge the Council to consider an update that would allow DSNY to require source separation at all commercial establishments, in line with the progress made in residential diversion.

Earlier this year, the Adams administration completed a promised expansion of composting to all NYC public schools, keeping material out of landfill and training the next generation of composters. In 2019, school food waste collection programs diverted approximately 16 million pounds of material from landfill. In 2023, that number was over 35 million, and in 2024 to date – with months left to go – it is already over 38 million pounds.

On the residential side, the FY2024 Mayor’s Management Report reported the third straight year in which the diversion rate increased. That means that the total share of waste kept out of landfills and waste-to-energy facilities is up every year thus far under this Administration.

The MMR also showed an incredible data point within overall diversion: the amount of compostable material saved from landfill has increased 65% over the last two years, to an astounding 260 million pounds. This is because New York City is now home to the largest, easiest to use curbside composting program ever – a program that goes citywide in less than two weeks, the culmination of more than a decade of advocacy and policy development.

This is a vindication of simple, customer-forward programs for waste diversion. It is all too easy for those of us who care deeply about waste diversion and environmental justice to forget that, whether right or wrong, it is not always at top of mind for busy, hard-working New Yorkers. Everyone wants to do the right thing, but it has to be easy.

And we’ve taken steps, through policy design and through the use of new technologies, to make it easy.

Recycle or compost your pizza box. Don’t worry that it has a little grease on it – we’ll take care of it.

Recycle the peanut butter jar. Don’t worry that it has some peanut butter residue in it – we’ll take care of it.

Recycle that plastic container regardless of what number is on the bottom – we’ll take care of it.

When you put your compost bin out on your recycling day, feel free to line it with a clear plastic bag, if you want to – we’ll take care of that, too.

Complicated rules, sign-up requirements, restrictions, exceptions...all of that makes it more likely that reusable or recyclable material just goes in the trash.

And wouldn't that be a shame?

Proposed Legislation

With that focus on universality and ease of use around diversion programs, I will now turn to the bills on today's agenda.

Int-256, sponsored by Council Member Hudson, would require the Department to study the feasibility and potential environmental effects of a recycling mandate for household textiles. We strongly support the goal of textile waste diversion, and as such, we are currently studying textile diversion options as part of our Solid Waste Management Plan, due to be completed in 2026. The Department also has a successful – although relatively small – voluntary textile recycling program, refashionNYC. We would welcome the Council's partnership in outreach around expanding this program, which operates at no cost to the City. Given our existing program and studies already underway, the bill as written and the study it mandates are unnecessary. I would also note that businesses whose waste stream is more than 10% textiles are already required to recycle them per DSNY rule, and that is a very significant amount of the textile waste produced citywide.

Int-351, sponsored by Council Member Nurse, would require DSNY to develop a plan for ensuring proper disposal of rechargeable batteries used for powered mobility devices. These batteries present a major problem for DSNY, causing fires in our trucks and facilities when they are improperly disposed of.

DSNY already complies with certain portions of this law. We have one Special Waste Drop-off site that accepts these items in each borough, open one day per week, whereas the law calls for two sites per borough open seven days per week. Adding a second site per borough and making both sites operational every day would cost an estimated \$7,721,000 per year.

The law also calls for DSNY to accept these items at any disposal or collection event organized by the Department. While we do accept them at our SAFE Events, currently funded at one per borough per year, it would be unsafe and impractical to collect them at *all* Department-sponsored events, which is what the law requires as written. For example, accepting lithium-ion batteries at a compost giveback event would not be feasible.

For the third and fourth requirements of the bill as written – mandating coordination with businesses and outreach with the public – we would point out that many rechargeable batteries are already covered by a New York State-mandated drop-off program, where all stores that sell rechargeable batteries or items that include them **MUST** accept them for recycling, but that the current law exempts e-mobility batteries.

Given the cost of establishing new sites, expanding the hours of current sites, and adding hazardous waste material recovery to unrelated events, and the existing state infrastructure around work with businesses and the public for other battery types, we believe that the best plan for getting this hazardous item out of the waste stream is to close the state loophole and add e-mobility batteries to the existing state takeback law, which is funded by battery manufacturers.

The next bill on the agenda today, Int-695, also sponsored by Council Member Nurse, calls for a study of single use plastics. This Council has made substantial progress on the issue of single use plastics, particularly with the passage of Local Law 17 of 2023, the Skip the Stuff Act.

Enforcement of this law has only just begun this summer, and given both that and the fact that we currently study the reality of single use plastics as part of our waste characterization efforts, a new study is premature. If the goal is a broader study of single use plastics in context and their impact on environmental justice communities, we believe that one of our sister agencies would be better suited to lead this impact analysis. We support the bill if it is in the right place.

The final bill, Int-697, sponsored by Council Member Nurse as well, renews the existing mandate to conduct Waste Characterization Studies, specifically requiring one in 2028 and one in 2032. We appreciate the Council Member's forethought on this – only by knowing what is in our waste can we hope to reduce and divert it – and we have found past studies to be useful.

Thank you, and we look forward to taking your questions.