

New York City Commercial Waste Zones Safety Task Force

Meeting 5 – October 8, 2024, 10:00 AM

Meeting Minutes

Task Force Members Present

Elizabeth Crotty, Commissioner, Business Integrity Commission (BIC)
Nicole Mathias, Business Integrity Commission (BIC)
Eric Beaton, Deputy Commissioner, NYC Department of Transportation
Daniel Wright, President, Teamsters Local 813
David Biderman, President, Biderman Consulting LLC

Agency Staff Present

Ryan Merola, Chief of Staff, DSNY
Frank Marshall, Assistant Commissioner, Bureau of Commercial Waste, DSNY
Steven Hoffner, Deputy Chief, Safety and Training, DSNY
Lily Nuamah, Contracts and Compliance Manager, Bureau of Commercial Waste, DSNY
Mandy Shum, Audit Manager, Bureau of Commercial Waste, DSNY

1. Welcome and Introductions

The fifth Commercial Waste Zones Safety Task Force meeting took place on October 8, 2024. DSNY Assistant Commissioner Frank Marshall welcomed attendees and gave an introductory remark on behalf of Commissioner Jessica Tisch. He mentioned that the meeting is pivotal as we work together to ensure the safety and effectiveness of the Commercial Waste Zones (CWZ) program. Ryan Merola acknowledged the participants and requested the Safety Task Force meet again at month's end as two appointees were missing from this meeting due to a scheduling error.

2. Objectives of the Safety Task Force

AC Marshall stated that, per Local Law 199, the Safety Task Force is to consider and make recommendations on the following:

- a. Personal protection equipment;
- b. Safely working with and operating vehicle equipment and machines;
- c. Handling heavy materials and proper lifting techniques;
- d. Working with hazardous chemicals or other materials;
- e. Emergency action plans, fire prevention and fire protection;
- f. Hazard communication;
- g. Drug and alcohol awareness;
- h. First aid, including cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use; and
- i. Whether and under what circumstances a person would be permitted to transfer safety training acquired or obtained under one employer to another employer.

3. CWZ Program Updates – Outreach, Enforcement, RASTRAC

AC Marshall provided updates on CWZ outreach efforts, enforcement efforts, and RASTRAC status. Using existing data from BIC and the Department of Health and Mental Hygiene (DOHMH), the Bureau of Commercial Waste has built a Queens Central customer registry of approximately 12,000 customers. Prior to the Queens Central zone implementation start date, the Outreach team, which included 30 temp staff, educated approximately 8,000 businesses in-person this past summer. During the Queens Central zone implementation phase, the Outreach team will continue to with their in-person engagement with the

remaining 4,000 businesses that could not previously be reached, due to temporary closures or a business's unavailability to speak with a member of Outreach.

During the period of September 3, 2024 to September 29, 2024, 49 Notices of Violation (NOV) were issued to the drivers of three Queens Central zone awardees and two of the three Citywide Containerized Awardees. Two examples of these NOVs were spillage from trucks and driving against the flow of traffic. Eleven NOVs, such as driving on sidewalk, were issued to non-Queens Central zone awardees. One NOV was issued to a CWZ awardee for their employee not completing their worker safety training prior to performing their assigned task on the vehicle.

RASTRAC is the automatic vehicle location system used to ensure compliance with Local Law 199 and CWZ Reporting Rules. Phase 1 of RASTRAC is completed, in which a system has been designed to accept GPS telematics data from the CWZ awardees' vehicles, and geofences have been developed to ensure vehicles are not operating outside their designated zone. Phase 2 is scheduled for a mid-December delivery, in which the vehicle data will be integrated into the DSNY CWZ database to produce reports required by Local Law 199 and Reporting Rules.

4. Executive Order 39 (EO 39)

AC Marshall explained the Mayor's Executive Order 39 of 2024 pertains to enhancing safety for the city's contractors' vehicles. While the CWZ awardees are not contractors for the city, it is in the CWZ program's best interest to align with EO 39's objectives, specifically with the installation of 360-degree cameras. EO 39 mandates 360-degree cameras on trucks with a conventional cab design, where the engine and front axle are positioned in front of the driver. An exemption exists for high vision trucks (cab-over or cab-forward design, where the driver sits in front of the front axle), in which these trucks are not subject to this requirement.

AC Marshall provided a CWZ carter fleet overview, in which the total fleet size is 700 trucks, as of August 2024. Of the 700 trucks, 257 trucks (37%) have a conventional cab design and would be subject to EO 39. Currently, 127 of these trucks (49%) do not have 360-degree cameras installed. AC Marshall posed the following considerations for the Safety Task Force Committee:

- Align Carter compliance with EO 39 and initiate a discussion on a proposed installation timeline to take place with the Safety Task Force.

The current EO 39 compliance timelines are:

- 12 months from contract registration for contracts involving 10 or fewer trucks.
- 18 months for contracts involving more than 10 trucks.
- New or replacement trucks must comply within 12 months from the start of their usage under the contract.

AC Marshall requested all members of the Safety Task Force Committee reconvene at month's end to vote on this matter.

5. Vehicle Operations Standards for Pedestrian and Roadway User Safety

Deputy Commissioner Eric Beaton of the New York City Department of Transportation proposed this topic from the prior Safety Task Force meeting. DC Beaton stated collaborating with multiple data

sources can be used for training and modifying behavior. DC Beaton stated DOT have been able to predict crashes based on analysis of red-light camera violations. DOT has access to over 2,300 cameras citywide, including speed camera coverage. Nicole Mathias from Business Integrity Commission (BIC) agreed and stated BIC has a Memorandum of Understanding (MOU) with NYPD for vehicle incident data to aid in addressing driver behavior. Mandy Shum, Audit Manager from DSNY, stated the DSNY Enforcement Unit are issuing NOVs to CWZ awardees' drivers when they observe instances of unsafe practices of vehicle operation, such as red light violations or a crosswalk obstruction, and should those NOVs indicate a pattern of unsafe practices, the CWZ Awardee would receive a NOV, in which the civil penalty is much larger than the driver's penalty, per the CWZ rules. AC Marshall requested the three agencies – DOT, BIC, and DSNY – meet to discuss possible data exchange and analysis.

6. Crash Reporting and Safety Protocols

AC Marshall stated the CWZ carters currently emails the Bureau of Commercial Waste as the crash reporting protocol. Development is in process for this protocol to be submitted to the DSNY CWZ database. David Biderman requests a copy of this data to be shared with the Safety Task Force in order for the Safety Task Force to make any appropriate recommendations.

7. Worker Safety Training Compliance

AC Marshall stated generally the CWZ carters certified its employees have completed the worker safety training requirement by July 30, 2024. David Biderman asked for clarity on when an employee's annual refresher should start, and how many hours an office employee would need for their annual refresher. AC Marshall will follow-up.

8. Long-Term Initiatives

David Biderman requested the Safety Task Force provide guidance on truck fire safety and prevention as he states more of these incidents are occurring due to lithium-ion battery disposals. He also proposed a messaging campaign on e-bike safety for the public and private sanitation employees. Additionally, he stated that the delivery apps should bear some responsibility for e-bike safety.

DC Beaton stated motorized 2-wheelers are an issue and proposes the messaging campaign to address and educate all members of the public to contribute together for public safety. AC Marshall stated he will inquire within DSNY for any reported incidents relating to e-bikes and motorized 2-wheelers, and what guidance is provided to DSNY sanitation workers relating to bike lanes.

9. Next Steps and Action Items

The Safety Task Force will reconvene for consideration of an EO 39 alignment, collaborate on protocols for vehicle operations, reporting crashes, recommendations on worker safety training, and future discussions on lithium-ion batteries and e-bikes.

10. Adjournment

AC Marshall thanked all for attending. The meeting was adjourned at 11:20 AM.