

N Y L P I

**JUSTICE THROUGH
COMMUNITY POWER**

**Comments Submitted by Justin Wood, Director of Policy of
New York Lawyers for the Public Interest
to the New York City Department of Sanitation
on March 14, 2023
Regarding the Preliminary Sanitation Budget for FY2025**

Good afternoon, my name is Justin Wood and I am the Director of Policy at New York Lawyers for the Public Interest (NYLPI). Thank you to Chair Abreu and members of the committee for the opportunity to testify today.

In this budget process, we call on the Council to continue defending vital city services and investments from budget cuts and flatlining. The New York City Independent Budget Office (IBO) has projected a budget surplus that is \$2.8 billion higher than the Mayor's Office of Budget and Management (OMB). IBO also estimates \$2.4 billion less in spending on asylum seekers than what is reflected in the Administration's estimates across 2024 and 2025. Similarly, the Council's own forecast shows substantially more revenue than estimated by OMB. **Now is not the time to retreat from our city's public health, equity, and sustainability goals.**

For the Sanitation sector, this means not only defending but rapidly expanding and improving programs and infrastructure intended to achieve the City's goal of zero waste to landfill, and to make our sprawling solid waste system more equitable, safe, and sustainable.

With each passing year the negative impacts of climate change hit more New Yorkers harder and more frequently. Greenhouse gas emissions disposing and transporting solid waste sector are estimated to make up 12% of New York State's economy-wide emissions – a huge amount roughly equivalent to the state's entire electricity generation sector.

And yet New York City continues to spend almost half a billion dollars annually to export approximately 82% of municipal solid waste to landfills and incinerators outside the city according to DSNY's latest figures, falling far behind leading cities that have implemented comprehensive, common-sense waste reduction and recycling programs.

To change course, we hope to work closely with the Council, DSNY, and City Hall to achieve the following goals:

1. Commit and Fully Fund to an Aggressive Plan to Achieve Zero Waste and Equity in the upcoming 20-year Solid Waste Management Plan.

We are concerned that DSNY's budget for a consultant to undertake community engagement and planning for the Solid Waste Management Plan due in 2026 was eliminated in the winter PEG cuts, and that the Department itself has not yet announced a plan for public engagement, planning, or budgeting for the SWMP on its own website.¹

Some of the major waste equity goals of the current 2006 Solid Waste Management Plan remain unfulfilled and without financing, including the construction of the Gansevoort Marine Transfer Station intended to move recyclable materials from Manhattan to Brooklyn via barge, and a program to accept commercial waste at DSNY's existing marine and rail transfer stations. Both of which would reduce polluting and dangerous diesel truck trips from environmental justice communities in Brooklyn, the Bronx, Queens, and New Jersey.

We hope to work with the Council and the Department on development of a comprehensive SWMP that creates a clear path to achieving the statewide emissions reductions mandates of the state's Climate Leadership and Community Protection Act (CLCPA) and the City's zero waste goals.

2. Fully and robustly implement Local Law 199 of 2019 (Commercial Waste Zones)

Until the Commercial Waste Zones system mandated by Local Law 199 of 2019 is fully and implemented citywide, the sprawling commercial waste sector continues to operate without transparency as to how much business waste is generated, landfilled, incinerated, recycled, and composted while a communities in the Bronx, Brooklyn, and Queens continue to bear the safety and air pollution burden of having three quarters of the City's privately managed waste trucked through clusters of private transfer stations.²

We are concerned that DSNY has announced a timeframe to implement only a single one of twenty zones and has not yet published details including the awardees' waste reduction and recycling plans, worker and public safety plans, expected VMT reductions, and which recycling, transfer, and composting facilities awardees will utilize. **The clear legislative intent of Local Law is a citywide transition to an efficient, safe, sustainable, and accountable system and we**

¹ <https://www.nyc.gov/site/dsny/resources/reports/solid-waste-management-plan.page>

²

https://www.nyc.gov/assets/dsny/downloads/resources/reports/waste-equity-law/2022-and-2023/LL-152-Report_WasteEquity_2023_Final.pdf

must not treat the rollout as a “pilot” that will fail to achieve the necessary scale to transform the broken commercial waste system.

3. DSNY’s FY25 budget must commit ample staff and resources to enforcement of commercial and organics rules to ensure businesses are properly source-separating recyclable materials, food waste, and unsold food for donation or composting, and that the private waste industry is providing transparent, easily accessible, and affordable recycling composting services to all businesses covered by the law.

Fully Fund a Multi-Sector, Aggressive Public Education Campaign on Organics Recycling, Waste Reduction, and Recycling Rules, including support for Community Composting.

The simultaneous implementation of curbside organic waste recycling mandated by Local Law 85 of 2023 and the transition to a commercial waste zone system mandated by Local Law 199 of 2019 creates a singular opportunity to synchronize, coordinate, and rationalize recycling practices and messaging across the residential and commercial sectors.

We are deeply concerned by delays to the implementation of both programs proposed in the proposed executive budget, and by cuts to community-based composting programs and facilities, which serve an invaluable outreach and education role while creating good, local green jobs.

Public messaging around recycling and waste reduction must be sustained, accessible, and ubiquitous, and hard experience shows that the City cannot take a haphazard start-stop approach to recycling programs and expect them to succeed.

We therefore call on the Council to ensure that annual budgets going forward include ample staffing and resources to ensure that students, building owners, homeowners, business owners, customers of commercial establishments, and employees citywide receive consistent and accessible messaging and education on how to properly recycle organic food and yard waste and how to reduce waste in New Yorkers’ homes, workplaces, public spaces, and commercial establishments.

4. Invest in Composting Capacity and Waste Equity

Finally, we recommend that processing of source-separated organics prioritize local and regional composting solutions over anaerobic digestion and anaerobic co-digestion in processing. We further recommend that the City take steps to make residential and

commercial compost collection as efficient as possible, and to avoid any increases to truck traffic in overburdened communities, including:

- Preserving and expanding community composting sites across the City including parks and City-owned sites;
- Investing in new aerobic composting facilities similar to DSNY's Staten Island facility that can process high volumes of source-separated residential and commercial organic waste within the five boroughs and reduce both greenhouse gas emission and diesel truck miles. Potential sites should include Rikers Island as envisioned in the Renewable Rikers Act;
- Utilization of City-owned marine and rail transfer stations to process both commercial refuse (an unrealized goal of the current Solid Waste Management Plan) and exploration of marine and rail-based transfer stations to transport source-separated organics to the extent necessary;
- Using innovative micro-haulers and zero-emissions vehicles to collect and consolidate organic waste for local processing, as called for in Local Law 199.

Thank you for the opportunity to testify and comment. We look forward to working closely with the City Council, with DSNY, and with City Hall to transform our unsustainable and costly export-to-disposal model to a system with far less waste generation, and far more sustainable and job-generating investments in local reuse, composting, and recycling.

Yours,

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About New York Lawyers for the Public Interest

Founded more than 45 years ago by leaders of the bar, New York Lawyers for the Public Interest (NYLPI) is a community-driven civil rights organization that pursues justice for all New Yorkers. NYLPI works toward a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. In NYLPI's vision, all New Yorkers live with dignity and independence, with the resources they need to succeed. NYLPI's community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education.

