

N Y L P I

**JUSTICE THROUGH
COMMUNITY POWER**

**Comments of Justin Wood, Director of Organizing and Strategic Research
New York Lawyers for the Public Interest
Re: Draft Scope of Work for a Generic EIS
Commercial Waste Zone Program CEQR No. 19DOS003Y
December 11, 2018**

Good evening,

My name is Justin Wood, and I am the Director of Organizing and Strategic Research at New York Lawyers for the Public Interest. We are here today to applaud the City's Commercial Waste Zones plan as an historic, long overdue measure with the potential to transform the way we process 3 million tons of commercial waste each year. A well-designed zone system will simultaneously improve conditions for workers, communities, and small businesses impacted by the commercial waste system.

Equally important, a far more efficient and accountable commercial waste system is the only way our City can achieve our stated greenhouse gas reduction goals. Our current, ad hoc commercial waste system is estimated to truck more than 2 million tons of waste to distant landfills each year, where it slowly decomposes into methane, one of the most potent greenhouse gases warming the planet.

With every federal and international study confirming that we have entered a period of unprecedented and rapidly accelerating climate crisis, it is imperative that our City act now to implement a high-diversion, job-intensive commercial waste system that will enable us to meet the Zero Waste and 80 by 50 goals rightly set by the New York City Council and the De Blasio administration.

The Draft Scope of Work states that "the socioeconomic conditions chapter will focus on potential adverse effects to the City's commercial waste hauling industry. The socioeconomic analysis will also apply the case study approach to model potential economic impacts from the proposed CWZ program and resulting carting fees to a range of typical New York City businesses represent."

Rather than limiting this analysis to the potential adverse impacts on the commercial hauling industry, we urge you look holistically at the positive impacts that either an exclusive or semi-exclusive zone system will have on employment and local economic development, as the hauler(s) responsible for each commercial zone are held accountable to meeting waste diversion, customer service, and M/WBE inclusion standards consistent with the City's sustainability and equity goals.

1. There is ample reason to believe that the proposed action will benefit responsible corporate actors in the City's traditional waste hauling industry.

- A zone system -- particularly an exclusive zone system -- can substantially improving working conditions, safety practices, and wages for workers, and eliminating the current "race to the bottom" in which unscrupulous competitors cut corners on worker pay, fleet maintenance, and recycling to gain an advantage in the marketplace.
- A zone system -- particularly an exclusive system -- will provide haulers with a stable, long-term customer base, relatively predictable pricing and revenue streams.
- A zone system should set waste diversion goals consistent with the City's Zero Waste and GHG reduction goals, which will give a clear mandate and financial incentives to haulers to greatly improve waste diversion practices.

These factors will enable haulers to obtain financing and make urgently needed investments in recycling infrastructure, organic waste recycling facilities, and customer education on waste reduction and recycling programs.

These investments will also create jobs. National and local studies have consistently determined that recycling, composting, and remanufacturing of materials in the waste stream creates significantly more jobs per ton than landfilling or incineration, and our report [Clean City, Green Jobs](#) estimated that thousands of local and regional jobs can be created if New York City achieves the same commercial diversion rate as cities like San Jose and Seattle.

Overall, we anticipate that the positive job creation impacts of recycling and composting operations, infrastructure improvement, and customer education will more than offset any potential negative impacts caused by industry consolidation. We also strongly urge that the CWZ policy to protect any workers displaced by the transition to the new system, by incentivizing incoming high-road haulers to hire any displaced workers.

2. The socioeconomic impacts study should also consider nontraditional waste companies that may participate in a high-diversion commercial waste zone system.

Under a waste zone system, haulers will be held accountable to higher diversion standards, customer service and education standards, and minority and woman-owned businesses (M/WBEs) participation goals. We anticipate that partnerships and cooperation between traditional commercial haulers and newer, innovative businesses focused on waste reduction and recycling will also have a positive impact on employment and diversity in the industry.

Examples of such local enterprises include:

- Auditors who help customers measure their waste stream and implement best practices for waste reduction and recycling.
- Food rescue organizations who collect edible, uneaten food from retail and restaurant customers and deliver it to hungry New Yorkers.
- Re-use and recycling organizations who collect, repair, and recycle textiles, furniture, electronics, and other goods.
- “Micro-haulers” who help extend organic waste recycling services to small business customers, many of whom cannot obtain organics service from traditional haulers.
- Developers of small-scale, in-vessel composting and digestion technologies scalable for commercial buildings and other waste generators.

Many of these innovative recyclers are already operating on the margins of the NYC commercial waste industry, and have the potential to rapidly scale up, hire more employees, and achieve financial stability as the transition to a commercial zone system shifts haulers’ interests away from landfilling toward reduction, re-use, and recycling strategies.

We therefore urge you to consider the broad, positive socioeconomic impact that the proposed zone system, and a high-diversion exclusive zone system would have on employment in the non-traditional waste reduction and recycling industry as well as the traditional hauling industry.

3. In addition to prices, the EIS should look at availability and reliability of recycling and waste reduction services for customers, particularly small businesses.

Given the City's zero waste and 80 by 50 goals, the analysis of waste prices called for in the Draft Scope of Work should not only consider possible impacts to the current, landfill-based pricing structure for garbage services, but should include both availability and pricing of organic waste and recycling services.

Currently, many businesses can simply not obtain reliable and affordable recycling services from commercial haulers. The result is that the overwhelming bulk of highly recyclable organic food waste is trucked to landfills, where it is a particularly potent source of methane gas.

Traditional metal/glass/plastic and paper recycling services are often priced arbitrarily, haulers' actual recycling practices vary with short-term fluctuations in recyclables markets, and many commercial customers do not receive proper education on how to properly separate these materials.

A commercial zone system that operates efficiently, offers waste audit, waste reduction, and recycling services to small and large businesses alike is the only viable way our businesses can achieve critical zero waste and climate emissions goals.

Justin Wood, Director of Organizing and Strategic Research
New York Lawyers for the Public Interest
151 West 30th Street, 11th floor
New York, NY 10001
jwood@nylpi.org
(212) 244-4664

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