

CAPA REGULATORY AGENDA FY 2019
BUSINESS INTEGRITY COMMISSION

Pursuant to section 1042 of the Charter, the City of New York Business Integrity Commission sets forth below its regulatory agenda for the City's fiscal year of 2019:

1. **SUBJECT**: Safety

- A. Reason: In order to improve safety practices among private trade waste haulers, BIC is considering promulgating a set of rules, including, but not limited to, requiring companies to submit plans for their compliance with all federal, state, and local safety regulations, additional safety equipment requirements, additional record-keeping requirements, and increasing the minimum liability limits of insurance currently required by BIC's rules.
- B. Anticipated Contents: Amend 17 RCNY, Chapter 1.
- C. Objectives: To assist the City in achieving its Vision Zero goals by improving safety in the trade waste industry.
- D. Legal basis: Section 2101(b) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Trade waste industry and general public.
- F. Other relevant laws: Title 16-A Administrative Code § 16-504 (d).
- G. Approximate schedule: First or Second Quarter of FY 2019.

Agency Contacts: Salvador Arrona
(212) 437-0523

Noah Genel
(212) 437-0512

2. **SUBJECT**: Public Wholesale Markets Penalty Schedule

- A. Reason: Currently, the penalty schedule that applies to administrative violations issued to New York City's public wholesale markets is located in OATH's rules. In the coming year, OATH will be repealing the markets' penalty schedule. Instead, BIC will add the penalty schedule, with some adjustments, to BIC's markets rules.
- B. Anticipated Contents: Amend 17 RCNY, Chapter 2

- C. Objectives: To make it easier for the public to find the penalty schedule, which will now be under BIC’s rules. Also, to replace the penalty schedule being eliminated in OATH’s rules.
- D. Legal basis: Section 2101(b) of the New York City Charter.
- E. Types of Individuals and entities likely to be affected: New York City Public Wholesale Markets
- F. Other relevant laws: Administrative Code Title 17, §§ 22-203, 22-215, 22-252, 22-253, and 22-258.
- G. Approximate schedule: First Quarter of FY 2019.

Agency Contacts: Salvador Arrona
(212) 437-0523

Noah Genel
(212) 437-0512

3. **SUBJECT**: Application Process for Requesting Financial Hardship Waiver

- A. Reason: In December 2013, New York City enacted Local Law 145 of 2013, which addresses pollutant reduction of heavy duty trade waste vehicles. The law requires that by January 1, 2020, all heavy duty trade waste vehicles operating in New York City be equipped with either: an EPA certified 2007 (or later engine) or utilize “Best Available Retrofit Technology,” as defined by the New York City Department of Environmental Protection. Another provision of this law states that BIC may issue waivers to licensees and registrants who demonstrate that compliance with this law would cause a financial hardship. The application to request a financial hardship waiver must be filed with BIC on or before January 1, 2019.
- B. Anticipated Contents: Amend various sections of 17 RCNY, Chapters 1 and 2.
- C. Objectives: Reduce burden on small businesses.
- D. Legal basis: Section 2101(b) of the New York City Charter.
- E. Types of Individuals and entities likely to be affected: Trade waste industry.
- F. Other relevant laws: Title 24 of the Administrative Code, § Section 24-163.11 and Title 16-A of the Admin. Code, § 16-509(e).
- G. Approximate schedule: Second Quarter of FY 2019.

Agency Contacts: Salvador Arrona
(212) 437-0523

Noah Genel
(212) 437-0512

4. **SUBJECT**: Possibly exempting certain businesses from requiring a BIC registration
- A. Reason: Landscapers are a category of BIC registrant. Though required to register, they do not pose the same risks of corruption and other malfeasance as other sectors of the trade waste industry. As a result, BIC is considering exempting landscapers from obtaining a BIC registration.
 - B. Anticipated Contents: Amendments to NYC Administrative Code, Title 16-A, Sec. 16- 505(b) and 17 RCNY Sec. 2-04.
 - C. Objectives: To reduce burden on small business that do not pose the same risks of corruption and other malfeasance as other sectors of the trade waste industry.
 - D. Legal basis: Section 2101(b) of the New York City Charter.
 - E. Types of Individuals and entities likely to be affected: Trade waste industry.
 - F. Other relevant laws: None.
 - G. Approximate schedule: To be determined.

Agency Contacts: Salvador Arrona
(212) 437-0523

Noah Genel
(212) 437-0512

5. **SUBJECT**: Potential elimination of application process for subcontracting
- A. Reason: BIC is evaluating whether the subcontract application process should be revised and whether it still serves an appropriate purpose.
 - B. Anticipated Contents: Amendment to 17 RCNY, § 5-05(b).
 - C. Objectives: To revise rules related to subcontracts.
 - D. Legal basis: Section 2101(b) of the New York City Charter.
 - E. Types of Individuals and entities likely to be affected: Trade waste industry and their customers.
 - F. Other relevant laws: None.

G. Approximate schedule: To be determined.

Agency Contacts: Salvador Arrona
(212) 437-0523

Noah Genel
(212) 437-0512

6. **SUBJECT**: Trade Waste Brokers

- A. Reason: To clarify BIC's rules as applied to trade waste brokers.
- B. Anticipated Contents: Amendment to 17 RCNY, § 6-06.
- C. Objectives: To clarify the application of BIC's rules related to trade waste brokers.
- D. Legal basis: Section 2101(b) of the New York City Charter.
- E. Types of Individuals and entities likely to be affected: Trade waste brokers and their customers.
- F. Other relevant laws: None.
- G. Approximate schedule: To be determined.

Agency Contacts: Salvador Arrona
(212) 437-0523

Noah Genel
(212) 437-0512

7. **SUBJECT**: Community Composters

- A. Reason: In mid-2016, BIC began administering a two-year pilot program to allow qualifying community composting organizations to collect and transport organic waste from commercial establishments. The goals of the program have been twofold: to assist community composting organizations to secure essential organic materials such as carbon-rich materials and to increase the City's diversion rate by processing organic waste locally. At the conclusion of the pilot program, BIC is considering exempting qualifying community composters from the licensing requirement, but still require them to submit certain information to BIC.
- B. Anticipated Contents: Amendment to 17 RCNY Sections 1-01 and 2-01.
- C. Objectives: To integrate community composters into BIC's regulatory structure.
- D. Legal basis: Section 2101(b) of the New York City Charter.

E. Types of Individuals and entities likely to be affected: Community Composters who collect organic waste from Commercial Establishments and their customers.

F. Other relevant laws: None.

G. Approximate schedule: To be determined.

Agency Contacts: Salvador Arrona
(212) 437-0523

Noah Genel
(212) 437-0512