

To whom it may concern,

We are Diverse Recycling Solutions, LLC, a licensed waste hauling brokerage and recycling consulting firm. Our clients are a range of businesses of varying size across the five boroughs seeking to improve their recycling efforts, exceed all local, state and federal recycling regulations while receiving the most efficient service available in the market. While we welcome initiatives to improve New York City's waste management system and control rats, this proposed rule would place an undue burden on businesses and should not be enacted as designed.

Current trash hauling trucks on the market, which are providing service on a daily basis in New York City, are faced with challenges due to the lack of space on city streets, which means that trash bags will have to be fully removed from receptacles manually by workers, which in turn will lead to receptacles not being completely emptied which will further attract, not repel, rats.

Also, the rule states that businesses lacking sufficient space to store receptacles elsewhere may store them on the sidewalk within three feet of the business's property line as long as the receptacles do not impede pedestrian flow on the sidewalk, but this cannot work for all businesses. No thought is given to situations where businesses have nowhere to store receptacles other than the sidewalk but there is not enough room on the sidewalk to store receptacles without impeding pedestrian flow. Many of the city's older, narrower streets will become impassable, and bin sheds are not viable in these areas, especially with the addition of CitiBikes and bicycle lanes. These businesses have no way to obey the law, and these crowded streets pose a hazard to pedestrians and cyclists.

This law also has not taken into consideration the impacts of illegal dumping. DSNY has removed the majority of the waste and recycling bins from NYC streets, yet this does not address the issue of waste being generated. Instead, people either litter or illegally dispose of their waste in any bins that they find, whether they be commercial or residential. This law has no leeway for the victims of illegal dumping, and businesses will face fines for errors that are not theirs.

There are other ways in which the receptacles themselves could become rat attractions and a public safety hazard. Businesses might not have the space or available labor to clean and maintain receptacles, which will cause them to break and become unusable, or get dirty and attract rats. Also, there are no specifications on what qualifies as a "tight-fitting lid" in the proposed rule, so businesses could mistakenly purchase a bin with a lid that could be described as tight-fitting but be insufficient to keep out rats, who will then be in the receptacle, causing a safety hazard for businesses and trash haulers, and could jump out of the receptacles at passersby, creating a safety hazard. Finally, trash bin lids often get lost or broken during pickups in New York City, and so businesses will have no lid for their bins, resulting in a rat attraction that encourages the rats to stay in the receptacles, or they will have to order new lids, which would be a major undue financial burden.

In summary, we urge DSNY to rethink this law, and rat control initiatives in general, with businesses in mind. We applaud New York City's new food-related commercial and residential composting requirements and believe that these will be much more effective at blocking rats' access to food waste due to the sturdy vermin-proof design of composting bins (provided by haulers) and the success thus far of composting programs in the city. There are also other ways to reduce the populations of rats roaming the streets that do not pose undue burdens on trash-generating businesses such as exterminating rat colonies at construction sites before beginning construction (which avoids the displacement of colonies to the city streets). Thank you for your time and attention and we look forward to being an active participant in bettering our city.