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**Regarding mandated trash containerization**

Good afternoon.  My name is Kathleen Reilly Irwin, and I am the NYC Government Affairs Manager for the New York State Restaurant Association. We are a trade association representing food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years. Our members represent a large and widely regulated constituency in New York City, and our industry continues to be disproportionately harmed by the lingering impact and losses of the Covid-19 pandemic.

We understand that the Department of Sanitation has set ambitious goals for pest mitigation in New York City, and the Department sees trash containerization as an important step in achieving those goals. We share a desire to reduce the impact of rats and other pests around the city, and recognize that commercial waste, along with residential waste, can be better managed and contained than it is today. That said, the proposed rule in question would create a one-size-fits-all unfunded mandate, directed only at food related businesses including restaurants, which are some of the most economically burdened businesses post-Covid. As written, this rule would create logistical and cost burdens for our membership and add to their frustration of regularly bearing the brunt of enforcement and ‘novel’ regulation in the name of street and sidewalk cleanliness.

The Department has already begun lightly incentivizing trash containerization for all businesses, by allowing them slightly earlier trash setout times when they use containers with lids for their trash. While this new trash setout rule was only recently put into place, the Department is clearly looking to move the needle faster and has not been satisfied with containerization progress thus far. In this case – rather than mandate containerization for food service businesses only – perhaps the better route forward is to survey businesses who have not elected to containerize trash to find out, why? With a small incentive like earlier trash setout times in place, why have you elected to keep your plastic bags? Is it the cost, the storage, the cleanliness and maintenance of the bins? Is it an issue with your carter? These are all valid reasons why a business may not be able to move to trash containerization yet, and all opportunities for the Department of Sanitation, in collaboration with other city agencies, to make a difference. Maybe our city businesses need access to small grants to upgrade their waste infrastructure. Maybe the Department could issue a rule regulating the way carters handle and charge for emptying waste from bins. Maybe, alongside the Department of Transportation, the Department could identify streets where sidewalk space is far too narrow for bin setout and storage, and designate some communal roadway space for bins to be stored.

Instead, this rule dictates that food related businesses alone are responsible for purchasing bins with tight-fitting lids, storing them somewhere, but not somewhere that blocks the sidewalk, and paying their carters to empty them however often they fill up. With so little guidance or city assistance and the threat of any number of violations and fines, restaurants are understandably daunted with the prospect of compliance with the proposed rule. In addition to the outreach and troubleshooting suggested above, we would strongly encourage the Department of Sanitation to consider including the following features in the current step towards trash containerization:

* Include roadway bin storage options, particularly on streets with narrow sidewalks
* Offer grants and/or arrange for bulk purchasing of acceptable bins for affected businesses
* Create a waiver for ability to comply, particularly for small storefronts
* Create a system for reporting price gouging or other unreasonable charges by private haulers for emptying bins
* Include a one-year grace period with education-first enforcement, including an obligation for inspectors to determine any logistical barriers to complying for businesses out of compliance, and compile those findings for DSNY

In conclusion, the New York State Restaurant Association does recognize the importance of pest mitigation, and we hope to have contributed some reasonable and workable suggestions to make the transition to trash containerization more feasible for restaurants. Thank you for considering our feedback, and we look forward to continued collaboration on this issue.

Respectfully Submitted,

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