



## **Testimony for DSNY Proposed Rule Hearing August 8, 2024**

### **§ 1-02.5 Receptacles Required for Certain Buildings that Receive Department Collection**

**This rule requires bins for trash to be used for 1-9 unit buildings.**

The Center for Zero Waste Design is a nonprofit that develops research, advocacy campaigns, and policy tools for buildings and cities to achieve zero waste. We work with community organizations, nonprofits, and municipalities to provide thought leadership to ensure policies and systems are aligned for circularity. We thank the Department of Sanitation (DSNY) for this opportunity to comment on their proposed rule relating to the use of rigid receptacles for trash from 1-9 unit buildings.

I led the development of the Zero Waste Design Guidelines, which involved collaboration with city agencies, architects, building managers and waste experts, and showed how waste containerization could help the city reach its zero waste goals, and improve labor and streetscapes as well.

So we fully support DSNY's goals to get rid of bags of trash piled up on sidewalks and instead move to a system where waste is collected from bins and containers by mechanized trucks. But we have strong concerns about the way DSNY is moving forward with waste containerization, without any outside stakeholder input, or likely even meaningful dialog with other city agencies and mayor's office appointments, given that the way waste containerization is moving forward goes against their goals of improving pedestrian mobility and the quality of the public realm. It also works against the city's goals of waste and greenhouse gas emission reductions.

As architects and urban planners we are well aware of the space and access limitations of small buildings, and we know that this rule will result in sidewalks crowded with bins. Many retail businesses in small or mid-sized buildings are already struggling; blocking their storefronts with trash bins will just make things worse. While detached 1-2 unit buildings can easily use 2-wheeled bins, shared containers in the street are a much better solution for 1-9 unit attached buildings, see our [2 pager](#) which illustrates why.

#### **Our concerns include:**

- **Lack of stakeholder or public engagement:**

There has been no outreach to stakeholders - not to waste advocates, BIDs, public space advocates or elected officials to allow input into the rule. The contract for manufacturing the bins has been awarded and the bins have been made available for sale before the public hearing has been held. We are concerned that the same lack of consultation will happen for the larger 10-30 unit and 31+ unit buildings, where again we

believe there are much better solutions than those DSNY are proposing, see our recommendations for large buildings [here](#).

- **Negative impact on recycling targets and zero waste goals:**

Requiring bins only for trash, and not for recycling or organic waste, will impact the city's already declining recycling rates, and will not support the city's upcoming citywide mandatory compostable waste rules. Having "equal convenience disposal" with bins for trash, recycling and organics alongside each other was a key recommendation in the [Zero Waste Design Guidelines](#) because it has been shown to increase recycling rates. DSNY were involved in the development of the Guidelines and noted that NYC building code was changed by the Green Code Task Force RC2 to require recycling bins to be located alongside trash bins/ chutes in large buildings for this reason (implemented by LL60 of 2012). If a building has a trash bin available for residents on its sidewalk, but not recycling or organics bins, many residents will think "my building doesn't recycle" and not bother to separate their waste.

- **Negative impact on streetscapes and pedestrian mobility**

Many of the 1-9 unit attached buildings have no space to store bins inside, or have stairs which are difficult to move bins up and down. Because of this, bins will need to be stored permanently on the sidewalk, which DSNY is allowing in the 3' zone adjacent to the building wall. These bins will block pedestrian traffic along sidewalks. Given that almost half of NYC has sidewalk widths below 9 feet wide, per [Open Street data](#) - and the growing [crowdedness of NYC sidewalks](#) in general, the reduction in walkability and accessibility is unacceptable. While the rule allows for waivers, the number of waivers that will be required is impractical for DSNY to review and grant, and it will likely be a hardship for under-resourced buildings to apply for the waiver.

- **Reduced retail activity due to unpleasant shopping and dining experiences**

Nearly 20% of 1-9 unit attached buildings citywide have storefronts on the ground floor, so the bins can't be stored inside. This increases to 40% in Manhattan. In almost all of these buildings there is no space to store bins, as the storefront occupies the ground floor and basement, and there is just a narrow stair going up to the residences above. Bins are not allowed to block the clear egress path per NYC fire code. This will mean the bins need to be permanently stored on the sidewalk, in front of the storefront. An 8 unit building could easily have 8 bins in front of the storefront (for residential and commercial trash), reducing visibility of merchandise and degrading the retail experience. It also blocks the space which could be used for outdoor sidewalk dining.



- **Does not improve worker safety and ergonomics**

The required NYC trash bin is 45 gallons, so it can still be lifted by hand by DSNY workers. While DSNY say they will add a lift to the back of their rear load trucks, this will likely only lift one bin at a time, and since that bin is small, it will not be very efficient and likely won't be used. (I have asked DSNY what type of lift they will be installing but they have declined to respond) DSNY tried using a lift many years ago for small organics bins, and DSNY workers didn't like using it as it was quicker to throw the contents in by hand. If instead DSNY committed to semi-automated collection, like that used in Europe, the trucks would be able to quickly lift two 64 or 96 gallon 2-wheeled bins or one 4-wheeled bin at a time, improving efficiency, ergonomics and reducing the storage space required. 1-2 unit detached or semi-detached homes could use these larger 2 wheeled bins, and collection frequency could be reduced, allowing more frequent collection in higher density neighborhoods.

- **Many buildings already have bins which must be thrown away and replaced**

Given that many buildings already have bins under 55 gallons, with lids, and DSNY are lifting them by hand (or lifting the bags out of them) it seems a waste to require building owners to throw them away just to replace them with a very similar standard NYC bin. Some of these bins may even be exactly the same type.

- **Impedes better uses for front yards, including impervious areas for stormwater infiltration, and compromises many basement apartments.**

The need to place bins in front yards of attached buildings leads to front yards being paved to place bins on. If waste containers were in the street, front yards could have gardens within them, allowing stormwater to infiltrate into the ground, increasing urban greening and cooling, and improving the quality of life of the streetscape. Many times basement apartments are not as valuable, or sometimes not rented out, because their windows are blocked by trash bins.

**See more on our suggestions for how waste containerization should be integrated into streetscapes for small buildings in this [2 pager](#) here, for large buildings [here](#), see our Vital City article [here](#), or our video about Vanderbilt Avenue Brooklyn [here](#).**

We would welcome the opportunity to discuss our suggestions with DSNY and help improve the outcomes of waste containerization citywide.

A handwritten signature in black ink that reads "Clare Miflin".

Clare Miflin  
Executive Director  
Center for Zero Waste Design