



Northeast Region

July 5, 2022

Commissioner Jessica Tisch  
Department of Sanitation  
125 Worth Street  
New York, NY 10013

Dear Commissioner Tisch,

In 2019, New York City adopted local law 199 that restructured the commercial waste industry. With the goal of reducing traffic congestion for a cleaner environment and improving safety, the law created a program that mandated dividing the City into twenty commercial waste zones. This is the most consequential change to the commercial waste industry since the 1950's.

The implementation of the program stalled for a host of reasons not the least of which has been the upheaval of the local economy due to the COVID pandemic. The reductions in everything from office workers to theater goers to restaurant meals, dramatically impacted our industry. Volumes are way off, businesses closed or partially operating and the office worker largely away from the office.

The Department of Sanitation released Part II of the RFP for Commercial Waste Zones on November 16, 2021 with a return date of March 17, 2022. That deadline was extended to April 15 and then July 15, 2022. While these extensions were appreciated, we strongly feel that more time is needed before this program can begin.

To be clear, nowhere in the US has such a zoning program been adopted or implemented to this scale or structure. We fully understand that this is an unprecedented and complex process. NWRA and our members share New York City's goals of promoting a modern and effective industry that is not just focused on providing its core services, but is re-focused on sustainability, zero waste, emissions reductions, and fair labor practices. But we also believe that implementation of such a significant and potentially confusing transition to a commercial franchise system requires a measured, thoughtful, and collaborative implementation process and timeline.

The current Q&A approach prescribed by the CAPA process is inefficient and severely limiting in terms of the open and frank exchange of ideas, concerns, and solutions. Our members are just beginning to get answers to questions that were asked several months ago. Addendums to the RFP are still being released practically weekly now, almost 14 days before the program is to begin. Further, these Addendums result in material required changes to the RFP response documents.



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In the last week alone, our members have found out that DSNY is arbitrarily requiring haulers to only charge by weight or volume regardless of the waste stream and requiring them to provide pricing and reimbursement rates for waste audits as part of the Zero Waste Plan. This pricing protocol is inappropriate for dramatically different waste streams including commingled recyclables and heavy organics.

There needs to be more time for DSNY to work with our haulers to explain and process the implications of these last second changes. We have for some time been pushing for a measured and extended implementation timeline to ensure that customer service and account transitions are executed in an orderly and efficient manner. At a minimum, respondents should be provided 30 to 45 days to properly digest the recent, material changes and responses to long-outstanding and relevant structural questions. **NWRA respectfully requests an extension to the RFP II due date of at least 30 days (August 15, 2022).**

The process has lost the collaboration that existed more during the conceptual stage of CWZ. The devil is in the details and remaining issues are the most challenging. Today, largely a result of procurement rules, the conversation has ended and replaced by a structured Q&A process that cannot effectively resolve outstanding issues at T minus 15 days.

We therefore propose a 30-day delay and the creation of a working group of all stakeholders to address remaining issues. This is not a stall tactic but an important step in getting it right and more than appropriate given the significant delays in responding to material questions as well as the substantive amendments to the RFP requirements.

Thank you for your consideration

Sincerely,

*Lewis A. Dubuque*

Lewis A. Dubuque  
Vice President, New York City Chapter  
National Waste & Recycling Association

C: Deputy Mayor Meera Joshi  
Councilmember Sandra Nurse  
Commissioner Crotty