

New York City Commercial Waste Zones Safety Task Force

Meeting 1 – December 1, 2021, 11:00 AM – 12:30 PM

Virtual Meeting Minutes

Task Force Members Present

Commissioner Edward Grayson, New York City Department of Sanitation (DSNY), Task Force Chairperson

Commissioner Noah Genel, Business Integrity Commission (BIC)

David Biderman, Executive Director and CEO, Solid Waste Association of North America

Elena Conte, Senior Fellow, Pratt Center for Community Development and Adjunct Professor at CUNY School of Professional Studies, Murphy Institute

Susan Eppes, President, EST Solutions, a health and safety consulting firm

Julia Kite-Laidlaw, Director of Strategic Initiatives, NYC Department of Transportation

Department Staff Present

Justin Bland, Director, Bureau of Commercial Waste, DSNY

Christine Billy, Senior Counsel, Bureau of Legal Affairs, DSNY

Armenoush Aslanian-Persico, Deputy Director, Bureau of Commercial Waste, DSNY

Emily Anderson, Executive Agency Counsel, BIC

Nicole Mathias, Director of Policy, BIC

Samantha Miyares, Safety Data Analyst, BIC

Opening Remarks and Introductions from DSNY

The first virtual meeting of the Safety Task Force took place on December 1, 2021.

Commissioner Grayson made opening remarks. He thanked the attendees for participating in the task force and emphasized the importance of sustainable and realistic goals for the industry. He acknowledged the difficulties of working in an industry that prizes efficiency and time savings, and that sanitation jobs are among the most dangerous in the world. He said he expected the Commercial Waste Zones program to improve the culture of safety in the industry and improve the environment by reducing vehicle miles traveled.

Justin Bland provided an introduction to the Commercial Waste Zones program and Safety Task Force. He said that the Safety Task Force is required by Local Law 199. He said the language of LL 199 is that the safety task force should monitor industry conditions in order to make recommendations regarding

improving worker safety training and other ways to protect the public from potential dangers posed by commercial waste hauling activities. He explained the structure and schedule of the safety task force, and that the task force is able to make formal public recommendations on its own initiative or at the request of the Commissioners.

Christine Billy introduced herself and explained the safety requirements of Local Law 199, including worker training, violations, vehicle inspections, equipment requirements, and telematics requirements.

Task force members introduced themselves.

Remarks from BIC

Commissioner Genel introduced himself and his staff present. He gave an overview of BIC's work in reducing traffic fatalities and improving public safety. He said that BIC has approximately 10 investigators. BIC's investigators respond to the scene of all fatal crashes involving a BIC registered truck. The crash information is included in the licensee's record for renewals.

He explained Local Law 198, which was signed into law the same day as Local Law 199. Among other things, Local Law 198 gives BIC the authority to make new rules relating to traffic safety. He said BIC investigators have conducted nearly 1,000 truck inspections relating to the new rules, which went into effect in August 2021. Since 2010, there have been 56 fatalities involving a trade waste truck, with 20 percent of those being start-from-stop crashes with a conventional cab design. He explained that BIC rules now include requirements for crossover mirrors, obstructed windshields, red light violations, illegal turns, illegal backups, hours of service, truck inspections, and safety trainings. He has given 10 different talks at trade waste companies to approximately 450 drivers, helpers and management total. BIC worked with DCAS and DOT on the sideguard rebate program, which gave financial incentives to companies who were early adopters of sideguards. The program ran from 2016 to 2020 and 165 vehicles were funded. He reviewed recent fatality statistics, with 2019, 2020, and 2021 having 9, 2, and 4 fatalities each respectively. He mentioned important issues for the task force, including visibility-related issues, driver fatigue, poorly maintained equipment, poor safety cultures, and the danger of workers riding on the outside of trucks.

Discussion

Justin Bland opened up the meeting to discussion. He asked how the task force can measure the success of the Commercial Waste Zones program. He mentioned cabover truck design requirements, which had been previously raised and could be an area of recommendation for the task force, as well as the requirements for annual refresher training for workers.

David Biderman said the task force should be careful about using raw numbers and emphasized the importance of contextualizing data with ratios. He gave an example of a reduction in fatalities in 2020 in New York City, and said it corresponds to a reduction in fatalities nationally. He also said that while fatalities capture attention, it is important to quantify other unsafe behavior and incidents.

Julia Kite-Laidlaw asked about the rate cap for Commercial Waste Zones and asked if companies will say that the safety requirements are financially onerous.

Commissioner Genel explained that the actual rate cap will no longer exist once CWZ goes into effect, and the rate cap will be for each of the winners of the bids. He said the current rate cap is under review.

Justin Bland explained that carters will provide rates based on knowledge of their commitments, and that they will make a cost calculation.

David Biderman said the opinion held by the industry is that the current rate cap creates disincentives to make safety investments.

Elena Conte said the task force should think about what we can do in the runup time to the zone implementation. She said she is interested in data that goes beyond the fatality number, such as how we think about measuring culture, community, labor or industry level. She recommended interactive annual safety trainings as opposed to one-directional receipt of information. She asked how the task force can think of itself as a learning community in the interim, and asked to clarify the task force recommendation process.

Justin Bland clarified that the task force can make recommendations to the Commissioners, and that the task force's approach and topics are open to discussion.

David Biderman asked if the task force is developing more public-facing communications for pedestrians and bicyclists, to encourage safe behavior.

Justin Bland said that such outreach would be appropriate for this task force.

Julia Kite-Laidlaw said that DOT has an Office of Educational Safety and Outreach that focuses on harm reduction and operating under the Vision Zero philosophy that fatal crashes are happening as a result of driver decisions. She said that when DOT tries to target pedestrian behaviors, it does not tend to be effective. She acknowledged that the new ecosystem of micromobility devices has raised new issues.

Justin Bland asked if anyone had other comments before the meeting adjourns. There were no further comments.

Adjournment

The meeting was adjourned at 12:44 PM.

The next quarterly meeting will be scheduled by DSNY.