



CITY OF NEW YORK  
**OFFICE OF THE COMPTROLLER**  
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DEPUTY COMPTROLLER FOR  
AUDIT

BUREAU OF AUDIT

June 13, 2017

**By Electronic Mail**

Ms. Charise L. Terry, PHR  
Executive Director  
New York City Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, NY 10007

**Re: Final Letter Report on the New York City Equal Employment Practices Commission's Compliance with Local Law 36 Regarding Waste Prevention, Reuse and Recycling by City Agencies (Audit Number SZ17-128AL)**

Dear Ms. Terry:

This Final Letter Report concerns the New York City Comptroller's audit of the New York City Equal Employment Practices Commission's (EEPC's) compliance with Local Law 36, which governs waste prevention, reuse and recycling by New York City agencies. The objective of this audit was to determine whether the EEPC is complying with the local law, which is intended to make City agencies, and ultimately the City as a whole, more sustainable through efforts that promote a clean environment, conserve natural resources and manage waste in a cost-effective manner. In addition, in the course of the audit, we noted efforts made by the EEPC to follow recycling rules established by the New York City Department of Sanitation (DSNY) pursuant to Local Law 36. Our audit of the EEPC is one in a series of audits we are conducting of the City's compliance with the local law.

**Background**

In 1989, New York City established Local Law 19, codified at Administrative Code §16-301, *et seq.*, to establish an overarching "policy of the city to promote the recovery of materials from the New York City solid waste stream for the purpose of recycling such materials and returning them to the economy." The law mandates recycling in New York City by residents, agencies, institutions and businesses, and includes a series of rules to guide implementation. Local Law 19 requires the City to establish environmental policies to conserve natural resources and manage waste in a sustainable and cost-effective manner.

In 2010, the City enacted Local Law 36, which amended the recycling provisions of Local Law 19 (Administrative Code §16-307) to require each City agency to develop a Waste Prevention, Reuse and Recycling Plan and submit the plan to DSNY for approval by July 1,

2011. Local Law 36 also requires each agency to designate a lead recycling or sustainability coordinator for the agency and, where the agency occupies more than one building, to designate an assistant coordinator for each building. By July 1, 2012, and in each year thereafter, the lead recycling coordinator for each agency is required to submit a report to the agency head and to DSNY “summarizing actions taken to implement the waste prevention, reuse, and recycling plan for the previous twelve-month reporting period, proposed actions to be taken to implement such plan, and updates or changes to any information included in such plan.”

In addition, Local Law 36 requires the DSNY Commissioner to adopt, amend and implement regulations governing recycling by City mayoral and non-mayoral agencies. DSNY is also responsible for consolidating the information contained in agency reports and including this information in the agency’s annual recycling report.

**Findings and Recommendations**

Our audit found that the EEPC did not fully comply with Local Law 36. The agency separates its recyclable materials and, as required by the law, has designated a lead recycling coordinator for its single location. However, we found that the EEPC did not establish a Waste Prevention, Reuse, and Recycling Plan pursuant to Local Law 36. Additionally, it did not submit the required annual report for Fiscal Years 2012 through 2016 to its Executive Director or to DSNY. After this audit was commenced, the EEPC informed us that a recycling plan is in progress but that it has not yet been submitted to DSNY for approval. Our findings are outlined in the table below entitled Compliance Summary below.

<b>COMPLIANCE SUMMARY</b>		
<b>Local Law 36 Criteria</b>	<b>Compliance</b>	<b>Notes</b>
Recycles designated materials	Yes	The EEPC generally complies.
Designated a lead recycling coordinator and assistant coordinator	Yes	The EEPC has designated a lead recycling coordinator for its single location.
Established a Waste Prevention, Reuse, and Recycling Plan by July 1, 2011	No	The EEPC did not establish a Waste Prevention, Reuse, and Recycling Plan.
Submits annual report to the agency head and DSNY Commissioner	No	The EEPC did not submit an annual report to its Executive Director or the DSNY Commissioner for Fiscal Years 2012 through 2016.



In addition to these findings, however, we note that the EEPC has made efforts to address waste prevention, reuse, and safe handling of hazardous waste beyond the requirements of the local law. Specifically, the EEPC collects and returns the empty toner cartridges from its printers to the manufacturers for recycling. Additionally, the EEPC streamlined its audit process electronically with the use of computer software, to minimize the need for printing unnecessary documents. Those measures have been taken in accordance with DSNY's rules enacted pursuant to Local Law 36.

We recommend that the EEPC establish a Waste Prevention, Reuse, and Recycling Plan and submit the required annual report to its agency head and DSNY by July 1st of each year as required by Local Law 36.

### **Scope and Methodology**

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was July 1, 2011, the date Local Law 36 went into effect, through May 9, 2017, the last day of our fieldwork. Our methodology for this audit consisted of the following steps:

- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 36, including Local Law 19, DSNY's agency Waste Prevention, Reuse, and Recycling Plan template and DSNY's recycling reporting requirements for City agencies;
- We sent an electronic survey to the EEPC to determine whether the agency met the key provisions of Local Law 36, reflected as the core criteria in the table below, and analyzed the survey results and other additional materials provided by the EEPC;
- We requested the EEPC's Waste Prevention, Reuse, and Recycling Plan, list of coordinators, and the agency's annual reports for 2012 through 2016; and
- We conducted interviews with the EEPC's recycling/sustainability coordinator to discuss the agency's recycling and waste prevention efforts and visited the EEPC's facility to verify its compliance with Local Law 36.

Based on our understanding of the Local Law 36 requirements, we outlined all the criteria necessary for agencies to be in compliance. The table below outlines agencies' core

criteria required to achieve compliance with Local Law 36. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

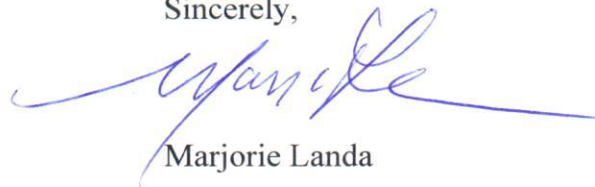
<b>CORE CRITERIA</b>	
<b>Compliance</b>	<b>Detailed Criteria</b>
<b>Recycling</b>	Agency source-separates recyclable materials
<b>Coordination</b>	Agency has a lead coordinator
	Agency has assistant coordinator(s) as applicable
<b>WPRR Plan</b>	Agency has a Waste Prevention, Reuse, and Recycling Plan
<b>Report to Agency Head and DSNY Commissioner</b>	Agency submitted annual report for Fiscal Years 2012 through 2016

Because many agencies may have pursued initiatives beyond these core requirements, we have recognized agencies' additional actions regarding recycling and sustainability. Our observations are based on the additional actions established by DSNY in its Waste Prevention, Reuse, and Recycling Plan implementation guidelines and other efforts taken by agencies.

The issues covered in this report were discussed with EEPC officials during and at the conclusion of this audit and EEPC officials agreed no exit conference was necessary. On May 18, 2017, we submitted a draft report providing the EEPC with the opportunity to formally respond. The EEPC's response was received on June 6, 2017. In its written response, the EEPC agreed with the report's findings and stated that "EEPC has established a Waste Prevention, Reuse, and Recycling Plan, which it will submit to the, via the DSNY website before June 30, 2017" and "will ensure that the Waste Prevention, Reuse, and Recycling Plan is submitted to the DSNY before July 1, annually."

The full text of the EEPC's comments is included as an addendum to this report.

Sincerely,



Marjorie Landa

- c: Judith Garcia Quinonez, Esq., Deputy Director/Agency Council, EEPC
- Mohini Ramsuhk, Administrator of Audits, EEPC
- Emily Newman, Acting Director, Mayor's Office of Operations
- George Davis, III, Deputy Director, Mayor's Office of Operations





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**Via E-Mail**

June 5, 2017

Marjorie Landa  
Deputy Comptroller for Audit  
New York City Office of the Comptroller  
One Centre Street, Room 1100  
New York, NY 10007

Re: Draft Letter Report on the New York City Equal Employment Practices Commission's Compliance with Local Law 36 (Audit Number SZ17-128AL)

Dear Ms. Landa:

Executive Director Charise L. Terry of the Equal Employment Practices Commission (EEPC) requested that I respond to the New York City Comptroller's Draft Letter Report of the EEPC's compliance with Local Law 36, referenced above. We are pleased that the audit noted EEPC's efforts in waste prevention, safe handling of hazardous waste and following recycling rules established by the New York City Department of Sanitation (DSNY) pursuant to Local Law 36, which governs waste prevention, reuse and recycling by New York City agencies.

The EEPC is committed to implement the recommendation contained in the Report that EEPC establish a Waste Prevention, Reuse, and Recycling Plan, and submit the required annual report to its agency head and the Department of Sanitation (DSNY) by July 1 of each year as required by Local Law 36.

- EEPC has established a Waste Prevention, Reuse, and Recycling Plan, which it will submit to the, via the DSNY website before June 30, 2017.
- The EEPC will ensure that the Waste Prevention, Reuse, and Recycling Plan is submitted to the DSNY before July 1, annually.



Thank you and your audit staff for the cooperation and assistance extended to the EEPCC in reaching compliance with Local Law 36.

Sincerely,

A handwritten signature in blue ink that reads "Judith Garcia Quiñonez". The signature is written in a cursive style.

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/Deputy Director

C: Mohini Ramsukh, Administrator of Audits, EEPCC