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PUBLIC HEARING ON THE PROPOSED RULE  
GOVERNING THE RECOVERY OF REFRIGERANTS

THE NEW YORK CITY  
DEPARTMENT OF SANITATION

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125 Worth Street  
Room 330  
New York, New York 10013  
Thursday, March 27, 2014  
2:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Reported By:

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A P P E A R A N C E S:  
(Listed in speaking order)

ELLEN COOPER - NYC Department of Sanitation,  
Associate Counsel

LUKE HARMS - Whirlpool Corporation

JOHN T. WYNN - LG Electronics USA, Inc.

GEORGE HAWRANKO - Electrolux Major Appliances North  
America

EDWARD P. WUESTHOFF - Friedrich Air Conditioning Co.

KELLEY KLINE - GE, Appliances & Lighting

STEVE POLINSKI - Miele Appliances, Inc.

MANFRED STAEBLER - BSH Home Appliances Corp.

KEVIN MESSNER - PolitcaLogic, on behalf of  
Association of Home Appliance Manufacturers

1           Public Hearing Re Recovery of Refrigerants

2                   MS. COOPER: Good afternoon and  
3 welcome. My name is Ellen Cooper. I am  
4 Associate Counsel with the Bureau of Legal  
5 Affairs at the New York City Department of  
6 Sanitation. Thank you for attending the  
7 Department's hearing this afternoon.

8                   The Department is conducting  
9 this hearing in accordance with the  
10 requirements of the City Administrative  
11 Procedure Act. The purpose of this  
12 hearing is to receive comments from the  
13 public on the Department's proposed rule  
14 on the recovery of refrigerants, rather  
15 than to answer questions. The Department  
16 published the proposed rule in the City  
17 Record on December 30, 2013. It also  
18 electronically transmitted copies of the  
19 rule to all New York City local elected  
20 officials, all fifty-nine community board  
21 managers, several media organizations in  
22 the City and interested parties.

23                   The Department held a hearing on  
24 the proposed rule on February 13, 2014,  
25 but due to inclement weather on the date

1           Public Hearing Re Recovery of Refrigerants  
2           of that hearing, the Department scheduled  
3           today's hearing to allow interested  
4           parties who were unable to attend the  
5           first hearing an opportunity to comment.  
6           The announcement for the second hearing  
7           was published in the City Record on  
8           February 25, 2014.

9           The Department's authority to  
10          promulgate this rule is found in Sections  
11          753 and 1043(a) of the New York City  
12          Charter and Section 16-485 of the New York  
13          City Administrative Code.

14          Local Law 69 of 2013, as now set  
15          forth in Chapter 4-E of Title 16 of the  
16          New York City Administrative Code, makes  
17          original equipment manufacturers ("OEMs")  
18          responsible for the lawful recovery of  
19          refrigerants from their  
20          refrigerant-containing appliances when  
21          their appliances are discarded by  
22          residents. Despite this requirement, the  
23          Department will continue to provide its  
24          own refrigerant removal program in which  
25          OEMs can participate for a fee. OEMs can

1           Public Hearing Re Recovery of Refrigerants  
2           also choose to establish their own  
3           recovery program or participate with other  
4           OEMs in a refrigerant recovery program.  
5           The fee imposed by this rule will allow  
6           the Department to recover a portion of the  
7           program costs incurred through servicing  
8           OEMs' appliances.

9                        The purpose of the proposed rule  
10           is to carry out the requirements of Local  
11           Law 69 of 2013 by establishing the  
12           requirements for OEMs' refrigerant  
13           recovery programs for appliances that are  
14           being disposed of by "residential  
15           generators" in the City of New York. A  
16           "residential generator" is any person,  
17           entity, agency, or institution in the City  
18           of New York that receives solid waste or  
19           recycling collection service from the  
20           Department.

21                       Specifically the proposed rule:  
22                       Establishes the registration  
23           requirements for OEMs of  
24           refrigerant-containing appliances.  
25                       Requires that OEMs indicate

2           whether they plan to establish their own  
3           refrigerant recovery program, participate  
4           with other OEMs in a refrigerant recovery  
5           program, or have their appliances serviced  
6           by the Department's refrigerant recovery  
7           program.

8                           Establishes the fee that an OEM  
9           must pay if refrigerant is removed from an  
10          OEM's appliance by the Department.

11                          Establishes annual reporting  
12          requirements for any OEM who establishes  
13          its own refrigerant recovery program or  
14          participates with other OEMs in a  
15          refrigerant recovery program, and;

16                          Establishes violations and fines  
17          for failure to comply with certain  
18          requirements of the proposed rule.

19                          This proposed rule also repeals  
20          the current Chapter 17 of Title 16 of the  
21          Rules of the City of New York, which  
22          relates to the collection, recycling and  
23          reuse of electronic equipment, because the  
24          local laws that authorized Chapter 17,  
25          Local Laws 13 and 21 of 2008, were

1           Public Hearing Re Recovery of Refrigerants  
2           preempted by New York State law through  
3           Chapter 99 of 2010.

4           You may present an oral  
5           statement or submit written comments  
6           concerning the proposed rule. Please sign  
7           in at the entrance of the room if you wish  
8           to present an oral statement today. We  
9           have been accepting written comments on  
10          the proposed rule since their publication  
11          in the City Record and will continue to do  
12          so through the close of business day.

13          The Department will make  
14          available a copy of all written comments  
15          received by the Department, together with  
16          a summary of the comments received at  
17          today's hearing, for viewing on its  
18          website sometime in the next few weeks.

19          The Department will carefully  
20          consider all the comments it receives  
21          through the close of business today.  
22          After careful consideration of all the  
23          comments received, we will issue a final  
24          rule and publish it in the City Record.  
25          The final rule will then become effective

1           Public Hearing Re Recovery of Refrigerants  
2           thirty days after publication.

3                       I will begin calling those of  
4           you who wish to speak this afternoon in  
5           the order in which you have signed in.  
6           When you speak, please state your name and  
7           affiliation. Also, please speak slowly  
8           and clearly so that the court reporter can  
9           understand and accurately record your  
10          statement. We also ask that you limit  
11          your statement to five minutes, if  
12          possible.

13                      So I will begin by calling Luke  
14          Harms from the Whirlpool Corporation.

15                      MR. HARMS: Thank you very much.

16                      I'm Luke Harms with Whirlpool.  
17          I will keep my comments today very brief,  
18          given I gave testimony at the last  
19          hearing, but I just want to say one thing  
20          about our environmental record as both the  
21          company and as an industry. Because of  
22          the market revenue factors of our  
23          industry, high metal content, extremely  
24          high percentage of recyclable materials,  
25          our industry has accomplished a very, very

1           Public Hearing Re Recovery of Refrigerants  
2           high recycling rate of about 90 percent  
3           due to the partnership and joint efforts  
4           of manufacturers, retailers, local  
5           governments, recyclers, utilities, et  
6           cetera. So we're very proud of our  
7           environmental record and what we have  
8           accomplished.

9                         With that said, you know, we  
10           strongly oppose Local Law 69 in its  
11           current form. We worked throughout the  
12           process with the City to try to improve  
13           the law, unsuccessfully, unfortunately,  
14           and we're here to raise objections to  
15           certain provisions within the regulations  
16           that are in the scope of the rule making.

17                        Most importantly, the rule  
18           provides no transparency and efforts in  
19           the part of the City to provide  
20           manufacturers' retailers about every  
21           single appliance that's collected. So we  
22           would ask that the City definitely make  
23           clear the addresses and the residential  
24           customers from which appliances are  
25           collected and we ask that the Department

1           Public Hearing Re Recovery of Refrigerants  
2           be very clear about the information  
3           that's -- provide information about the  
4           appliances that are collected through the  
5           City's program.

6                        A number of other concerns are  
7           raised in the comments that I addressed  
8           before; I'm not going to go through them  
9           again, so I'll just leave it there and  
10          after, I'll answer any questions if you  
11          have them.

12                       MS. COOPER: Thank you very  
13          much.

14                       Next, I'd like to call John T.  
15          Wynn from LG Electronics USA, Inc.

16                       MR. WYNN: Good afternoon. I'm  
17          going to also try and keep my comments  
18          short. I'm not sure how long my speaking  
19          voice is going to hold because I'm  
20          suffering from a cold right now. And if  
21          you can't understand me, please let me  
22          know.

23                       I'd like to echo some of the  
24          sentiments, without repeating them, that  
25          have been made in the written comments

1           Public Hearing Re Recovery of Refrigerants  
2           that you've received. I also wanted to  
3           expand a little bit upon the transparency  
4           issue that you just heard raised.

5                        Just to go into it a little bit  
6           more, the way that the rules are set up  
7           now, there's very little opportunity for  
8           the manufacturer to account for exactly  
9           what they're being billed for under the  
10          regulations. It seems that we'd just be  
11          receiving a blank bill that's not going to  
12          give us any way to verify whether it was  
13          actually our products that were picked up,  
14          what type of products were picked up,  
15          where they were picked up from, whether  
16          there was any refrigerant recovered from  
17          them, because after all, the rule affords  
18          the recovery of the refrigerant.

19                      You know, when products are  
20          placed out and replaced, oftentimes  
21          they're not functioning; there might not  
22          be any refrigerant contained in them. I  
23          believe the statistics about what's  
24          actually been recovered during the process  
25          shows that quite a bit of the refrigerant

1           Public Hearing Re Recovery of Refrigerants  
2           that would be available if there was 100  
3           percent presence in the machines really  
4           isn't available when they're recovered and  
5           we'd be given an invoice that we'd have no  
6           way to verify. We'd have no way to go  
7           back to check on it, it's in the blank.  
8           And if you, as an individual, or the  
9           City, even, were to receive an invoice  
10          from a vendor that the City had no way to  
11          verify and to account for, I'm sure the  
12          City would reject such an invoice.

13                 So, I think there needs to be  
14                 some improvement to the process as to how  
15                 this could be addressed and what sort of  
16                 improvements need to be made in order to  
17                 give the manufacturers fair opportunity to  
18                 account for what's being recovered.

19                 Another issue that comes up with  
20                 respect to the correction on these records  
21                 is when you have machines that are made  
22                 for other clients by manufacturers. For  
23                 instance with LG, my manufacturer, units  
24                 for Kenmore, manufacturers over the years  
25                 switch up their OEM producers. This is

1           Public Hearing Re Recovery of Refrigerants  
2           going to cause a problem for the industry  
3           in general, trying to figure out how to  
4           properly and fairly figure out the  
5           expenses among us, because it's quite  
6           expectable [sic] to feel -- to expect that  
7           Sears, when they're not actually producing  
8           machines, if they're being held  
9           accountable for it they're going to want  
10          to come back to us for the portions of the  
11          machines that we produce and to figure out  
12          some way to adjust this cost. But, again,  
13          the collection process as it's structured  
14          now doesn't really give us enough  
15          opportunity to do that.

16                 Another aspect of the rules,  
17                 also that we would like some further  
18                 attention paid to is the proposal, what we  
19                 feel is an illusion that the manufacturer  
20                 actually has the opportunity to set up an  
21                 effective program. Because the way that  
22                 the rules are structured, once something  
23                 is placed out on the street, we're not  
24                 allowed to deal with it. They really  
25                 require us to go into the residents' home

1           Public Hearing Re Recovery of Refrigerants  
2           in order to set up an effective program,  
3           and I would put to the authority that  
4           that's really not a practical  
5           consideration.

6                        When most people are replacing  
7           refrigerators, for instance, they're  
8           having -- when they bring the new  
9           refrigerator in, they're not keeping the  
10          old refrigerator in their apartment or in  
11          their home until somebody has a chance to  
12          come and do something with it, they want  
13          to get it out. Because space is at a  
14          premium in the City, they want to get it  
15          out to the curb.

16                       It also creates another  
17          additional step that people have to take  
18          and I think you can expect that public  
19          wants to keep things simple as possible  
20          and they're not going to want to go  
21          through a process to schedule somebody to  
22          come to their home to do something with  
23          the equipment before they can remove it  
24          from their home.

25                       I think that there are more

1           Public Hearing Re Recovery of Refrigerants  
2           effective ways that we might be able to  
3           meet the concerns of the City, but we need  
4           some more time to explain that in the  
5           rules. That's not currently set up, or  
6           inadequate, to address those, so we'd like  
7           you to consider giving us some more time  
8           to actually come up with a better  
9           solution.

10                           Thank you.

11                           MS. COOPER: Thank you very  
12           much.

13                           Okay. Next, I'd like to call  
14           George Hawranko from Electrolux North  
15           America.

16                           MR. HAWRANKO: It's George  
17           Hawranko.

18                           MS. COOPER: Hawranko.

19                           I'm sorry.

20                           MR. HAWRANKO: No problem.

21                           I'm George Hawranko from  
22           Electrolux North America. I, too, would  
23           like to echo the comments of the two  
24           previous speakers, Mr. Harms from  
25           Whirlpool, Mr. Wynn from LG, in pointing

1           Public Hearing Re Recovery of Refrigerants  
2           out a couple basic points.

3                       Number one, we're very proud.  
4           We, at Electrolux, are very proud of our  
5           environmental and sustainability record;  
6           we take it very seriously. We're very  
7           proud of the fact that our industry is  
8           highly efficient in recycling its  
9           products, it's something that we take very  
10          seriously and consider it a corporate  
11          responsibility.

12                      Next, I want to echo Mr. Wynn's  
13          comments with respect to the  
14          accountability. My management has come to  
15          me on several occasions and asked me, If  
16          this goes into effect, how are we going to  
17          elevate these costs. We have a  
18          responsibility. We have a fiduciary  
19          responsibility to our shareholders that  
20          costs that we incur are appropriately  
21          allocated to the businesses that incur  
22          them.

23                      One of the issues that has  
24          occurred to me, Mr. Wynn pointed this out,  
25          is when we have products manufactured for

1           Public Hearing Re Recovery of Refrigerants  
2           us. Regulations, as I see it, do not  
3           provide us with the ability to identify  
4           the point in time when the product was  
5           manufactured and, therefore, to track down  
6           where the original manufacturing has come  
7           from. So there is an obligation that we  
8           have to make sure that the accounting is  
9           done properly.

10                        Secondly, the comment about the  
11           illusions -- in fact, the exact word that  
12           I was using -- about the opportunity for  
13           manufacturers to have a program of their  
14           own. I just don't think that's possible  
15           and something else should be said on that  
16           issue as well.

17                        Lastly, I'd like to just comment  
18           on the fact that throughout the  
19           regulations, the City has made quite a  
20           number of comments about an issue of  
21           scavenging. I haven't seen how those  
22           facts have played out. I don't know the  
23           justification for that, but I certainly  
24           don't see these regulations as a solution  
25           to whatever it actually is.

1           Public Hearing Re Recovery of Refrigerants

2                   Thank you.

3                   MS. COOPER: Thank you for your  
4           comments.

5                   Next, I'd like to call Edward P.  
6           Wuesthoff from Friedrich Air Conditioning  
7           Company.

8                   MR. WUESTHOFF: My name is Ed  
9           Wuesthoff and I work for Friedrich Air  
10          Conditioning Company as a compliance  
11          regulatory manager and I wanted to -- I  
12          would agree with the other gentlemen, from  
13          LG as well as from Whirlpool and  
14          Mr. Hawranko, in terms of how our company  
15          also has a very good record of  
16          environmental responsibility.

17                   We recently changed all of our  
18          air conditioners and air conditioning  
19          products, in 2010, from ozone-depleting  
20          refrigerants to non-ozone-depleting  
21          refrigerants, HFC 410A. We also do quite  
22          a bit of work in our factories to make  
23          sure that we have very low leak breaks and  
24          that they don't create problems in the  
25          field with any kind of problems

1           Public Hearing Re Recovery of Refrigerants  
2           environmentally.

3                       But I also would like to point  
4           out that we sell, here in New York City,  
5           quite a bit of air conditioners in both  
6           residential and the commercial sector, and  
7           both of those that are used in businesses.  
8           We sell from 5,000 BTU and 36,000 BTU room  
9           air conditioners and we also sell  
10          Vert-I-Paks and PTACs in the New York City  
11          market.

12                      We also train our service people  
13          on the proper recovery methods and we feel  
14          that there's an opportunity for some  
15          further dialogue on what actually can take  
16          place to take advantage of the  
17          refrigerants that are being recovered and  
18          possibly have them in a central location  
19          where we can work together in coming up  
20          with some solutions that can benefit both  
21          the consumer as well as the manufacturer.  
22          So we first want to have some additional  
23          dialogue that we feel is necessary in  
24          order to make sure that we can provide  
25          that continuing social responsibility that

1           Public Hearing Re Recovery of Refrigerants  
2           we have to the community.

3                       We're very, very interested in  
4           continuing the record that we have here in  
5           the City of New York and we feel that  
6           there's more to be learned in terms of how  
7           the private sector also has very good  
8           capabilities in recovering refrigerants  
9           and making them available to the -- in  
10          terms of our natural resources and not  
11          just dispersing them into the air.

12                      MS. COOPER: Next, I'd like to  
13          call Kelley Kline from General Electric  
14          Appliances.

15                      MS. KLINE: Hi. Kelley Kline  
16          from GE Appliances division.

17                      I'd just like to start by  
18          echoing some of the comments we've heard  
19          today. GE also has a very long history of  
20          commitment to environmental protection for  
21          machination initiatives. And, in  
22          particular, our appliance division shares  
23          that commitment, along with a commitment  
24          to recycling, innovative approaches in  
25          recycling and a lot of commitment and,

1           Public Hearing Re Recovery of Refrigerants  
2           kind of, history in that regard.

3                       So we also share, though, some  
4           of the concerns that have been noted by my  
5           colleagues so far. The first one in terms  
6           of the OEM refrigerant recovery plan, we  
7           also agree that that could benefit from  
8           some more engagement and specificity  
9           around how you can get manufacturers a  
10          meaningful opportunity to create a plan or  
11          work with other manufacturers to submit a  
12          plan. We think that there may be more  
13          cost effective ways, more environmentally  
14          protective ways for the City to handle  
15          collection of refrigerant from appliances.

16                      We think that through some  
17          further engagement we can improve those  
18          sections of the regulations where it  
19          really deals with the manufacturing plan  
20          option, to make that a meaningful option,  
21          because we do agree with the comments thus  
22          far that, as it stands right now, it's  
23          really an illusory option and I'm not sure  
24          how a manufacturer could meaningfully take  
25          advantage of it. So we think that the

1           Public Hearing Re Recovery of Refrigerants  
2 regulations in those sections do need some  
3 improvement and, you know, some more  
4 analysis around what options there can be  
5 provided.

6                   A second point would be on the  
7 transparency that's been noted by the  
8 others. We also agree with that point and  
9 would just add that ultimately, I think,  
10 what manufacturers would need for  
11 something like this is something along the  
12 lines of a more auditable trail, or if we  
13 could have a line of sight to see how the  
14 charges and the bills that are generated  
15 by manufacturer or OEM were arrived at.  
16 So something that really gives some  
17 granularity in terms of how the fees and  
18 the charges are assessed, I think it would  
19 be what would be needed there.

20                   And then just one additional  
21 point would be alternative refrigerants.  
22 One of the trends in our industry is  
23 towards alternatives that are not GWP, not  
24 ozone-depleting substances. We think the  
25 regulation should deal more squarely with

1           Public Hearing Re Recovery of Refrigerants  
2           what will be an ever increasing number of  
3           appliances that would not have the type of  
4           refrigerants that may require recapture,  
5           so should not be assessed at the end of  
6           that paradigm, and really specifically  
7           deal with how the City would segregate  
8           those that would not require recapture  
9           under the rules, conceivably, going  
10          forward.

11                        So that's it.

12                        MS. COOPER: Thank you.

13                        Next, I'm going to call Steve  
14          Polinski from Miele?

15                        MR. POLINSKI: Miele.

16                        MS. COOPER: Miele.

17                        MR. POLINSKI: Miele, like the  
18          meal.

19                        MS. COOPER: Okay. Thank you.

20                        MR. POLINSKI: I'm Steve  
21          Polinski with Miele Appliance,  
22          Incorporated. Miele is a family-owned  
23          appliance manufacturer in existence for  
24          over 110 years and has made sustainable  
25          manufacturing and appliance issues a

1           Public Hearing Re Recovery of Refrigerants  
2           cornerstone in the products that we  
3           provide to our consumers. We are very  
4           proud of our accomplishments throughout  
5           the world. We have participated in many  
6           programs and helped to develop them, both  
7           mandatory and voluntary programs, and we  
8           are always striving to ensure our  
9           sustainability goals are met.

10                   The program we speak about here  
11           today is not consistent with these goals,  
12           from our perspective, that serve to  
13           protect the environment. The  
14           administration and enforcement of this  
15           program is apparently the central focus  
16           here, protecting the environment is not.  
17           We ask that the City provide some measure  
18           of assurance that the administration and  
19           that accountability of such a program is  
20           transparent and verifiable both in the  
21           monetary enforcement to come and the  
22           proper handling of refrigeration products.

23                   Thank you.

24                   MS. COOPER: Next, I'd like to  
25           call Manfred Staebler from BSH Home

1           Public Hearing Re Recovery of Refrigerants  
2           Appliances Corp.

3                       MR. STAEBLER:   Okay.

4                       So, BSH Home Appliances stands  
5           for Bosch, Siemens Home Appliances and we  
6           are headquartered in Irvine, California,  
7           but our roots are actually German, as you  
8           can hear in my accent.   And in Germany,  
9           environmental protection is really very  
10          high and very stringent, and therefore,  
11          our company stands for what others have  
12          already said.

13                      Our manufacturers are really  
14          concerned in how we produce appliances,  
15          you know, that we use the raw materials  
16          efficiently, and also, that we use  
17          environmentally-friendly raw materials.  
18          What Kelley said here, the future goes  
19          toward different refrigerants, also, that  
20          are not ozone depleting and we have to  
21          keep that in mind when we make that rule,  
22          also.

23                      The focus now on saving the  
24          environment, I want just to point out more  
25          on the practical side of refrigerant

1           Public Hearing Re Recovery of Refrigerants  
2           recovery, that to be done on the curbside  
3           is actually not a good workplace to  
4           recover refrigerant. When we think about  
5           it, refrigerant recovery takes at least 30  
6           minutes to an hour to evacuate a  
7           refrigerator and most of the bigger, more  
8           expensive units have actually two  
9           compressors, two refrigerator systems.  
10          And just imagine sitting on a windy day  
11          out there on the curb trying to recover  
12          refrigerant, probably the truck running  
13          still and idling and keeping the driver  
14          warm.

15                        So, for me, just, I wanted to  
16          make the point there are probably much  
17          more efficient ways to deal with  
18          refrigerant recovery and also compressor  
19          oil recovery. And one proposal could be,  
20          you know, it should be done in a central  
21          location where you have the proper work  
22          equipment and the proper environment.  
23          Also, it's much quicker to load your  
24          refrigerators on a truck, bring them to a  
25          central station and recover there versus

1           Public Hearing Re Recovery of Refrigerants  
2           refrigerant sitting on the road for half  
3           an hour to an hour and doing it.

4                   The other thing is, just as an  
5           example, when somebody puts a refrigerator  
6           on the road, he probably gets also --  
7           replaced by a new one. So you could  
8           combine this, actually, taking one in,  
9           getting one out. There are a lot of  
10          situations where we can actually come up  
11          with proposals together to improve that  
12          service.

13                   MS. COOPER: Thank you.

14                   Lastly for now, I'd like to call  
15          Kevin Messner from PoliticalLogic on behalf  
16          of the Association of Home Appliance  
17          Manufacturers.

18                   MR. MESSNER: Thanks.

19                   We submitted written comments at  
20          the last hearing, so you have those. I  
21          won't reiterate what was said last time,  
22          but I do want to touch on a few other  
23          issues.

24                   First off, I want to just be  
25          clear that this proposed regulation and

1           Public Hearing Re Recovery of Refrigerants  
2           its connection, or lack of connection, to  
3           the changing policy statements and  
4           objectives of the Department continues to  
5           exist. For example, we hear that  
6           sometimes it's an environmental issue.  
7           Well, the regulations do not do anything  
8           on the environment. It continues the  
9           status quo that exists today. So if these  
10          regulations were in effect tomorrow, there  
11          would be no change in the environment. I  
12          just want to be clear on that.

13                 The other statement we've heard  
14                 is this is to produce a responsibility.  
15                 This has nothing to do with "produce a  
16                 responsibility." There is no -- the rules  
17                 just say you have to pay the City for  
18                 picking up their refrigerators. Yes, we  
19                 have an extreme illusionary possibility  
20                 that you could do by picking up a  
21                 refrigerator in the home, but that's not  
22                 "produce a responsibility."

23                 Improving recycling, this does  
24                 not improve recycling at all. The  
25                 Department states sometimes this is to

1           Public Hearing Re Recovery of Refrigerants  
2           improve recycling. It has nothing to do  
3           with improving recycling whatsoever. I  
4           just want to be clear on what this rule  
5           does do. This rule is providing a  
6           framework where the City can bill  
7           manufacturers with no transparency, no  
8           different than what you would see in --  
9           well, something that you shouldn't see  
10          anywhere in the United States, in a  
11          developed country where a government is  
12          just essentially telling you, You owe us  
13          this money and you have to take us by our  
14          word.

15                    No transparency, no auditable  
16                    trail, no records whatsoever, just, You  
17                    owe us \$20 for this unit and you just take  
18                    our word for it. And that just shouldn't  
19                    be acceptable to -- you wouldn't,  
20                    hopefully, do that to the City of New York  
21                    and you shouldn't do it to the --  
22                    ultimately, to their appliances that  
23                    they're ultimately going to buy, because  
24                    this is going to increase costs for  
25                    appliances in the long run. So there

1           Public Hearing Re Recovery of Refrigerants  
2           should be transparency and the Department  
3           should be open to letting others see and  
4           justify what they're doing. It's  
5           government and it should be an open and  
6           transparent government.

7                       We have high hopes for working  
8           with the new mayor and this administration  
9           and having it open and transparent -- we  
10          did not have much luck with the previous  
11          mayoral administration trying to  
12          understand -- and try to get these  
13          questions answered. So we're hopeful with  
14          a new day now, with a new mayor and his  
15          administration, in trying to work through  
16          these transparency issues and also a  
17          number of the other issues.

18                      The other statement about the  
19          environment and how we hear the Department  
20          talk in the press and publicly that this  
21          is going to help motivate these  
22          manufacturing companies to use  
23          environmentally-friendly materials. I'd  
24          like to hear that statement be justified  
25          by what's in the rule, because in the rule

1           Public Hearing Re Recovery of Refrigerants  
2           you get charged \$20 whether your  
3           refrigerator is made out of kryptonite or  
4           whether it's made of out of straw or  
5           whether it's using isobutane or whether  
6           it's using F-gases.

7                        So there's no incentive  
8           whatsoever for -- under this rule for the  
9           manufacturers to go to  
10          environmentally-friendly material.  
11          They're doing that on their own through  
12          their own corporate responsibility. And  
13          they're doing that probably on a quicker  
14          pace, or definitely on a quicker pace, and  
15          this rule has no implications on that  
16          whatsoever.

17                       The commercial product is  
18          still -- we talked about this at the last  
19          hearing, but the commercial product is  
20          still a concern. We're having great  
21          trouble in trying to understand how you  
22          are going to distinguish between a  
23          commercial product and a noncommercial  
24          product. We just ate today at a  
25          restaurant where they could have had a

1           Public Hearing Re Recovery of Refrigerants  
2           room air conditioner and somebody could  
3           have lived up above that building. That  
4           room air conditioner that's on the curb  
5           could have been called in. We have  
6           trouble understanding how the Department  
7           of Sanitation is going to know whether  
8           that room air conditioner came from that  
9           business or came from the residence. And  
10          if it came from the business, then these  
11          manufacturers should not be charged for  
12          that. That is unclear in these  
13          regulations.

14                 So all of these regulations, we  
15                 obviously oppose the law. We think these  
16                 regulations, though, even if you start  
17                 with the law, these regulations need so  
18                 much work to address transparency, to  
19                 address whether they're commercial  
20                 products and to address this OEM brand  
21                 confusion so you don't create further  
22                 marketplace confusion where a product  
23                 brand is found and you go, I guess,  
24                 through an 800-number, you look it up  
25                 online and call that brand owner. Where

1           Public Hearing Re Recovery of Refrigerants  
2           do we send the invoice? And then that  
3           invoice to the brand owner and they're  
4           trying to figure out who the OEM is, are  
5           you going to have the model number? Are  
6           you going to have the Social Security  
7           number? How much refrigerant was  
8           recovered?

9                        When we go through the numbers,  
10           you're potentially charging a manufacturer  
11           \$20 to recover a refrigerant where no  
12           refrigerant was recovered. On your own  
13           numbers, you're only collecting on average  
14           25 percent of the refrigerant that should  
15           be in these units, 25 percent. So either  
16           the refrigerant isn't getting collected  
17           properly, which is -- you guys are under  
18           consent to be -- actually, you're not  
19           liable to be responsible for that, the  
20           recycler is, but you've taken that on  
21           yourself voluntarily.

22                       So you either need to collect  
23           all the refrigerant on the Consent Decree,  
24           you have to deal with the -- under the  
25           Clean Air Act, recover refrigerant. But

1           Public Hearing Re Recovery of Refrigerants  
2           under federal law it's the recycler's  
3           responsibility to do that, the end  
4           person's supposed to do that, so as long  
5           as the recycler that you're dealing with  
6           is doing that, that's what the federal law  
7           is.

8                         And so, you have voluntarily  
9           taken on this responsibility, and if  
10          you're only collecting 25 percent, then  
11          something's not right and manufacturers  
12          shouldn't be needing to have to pay for  
13          that. And if they are, they need to be  
14          able to have an auditable trail to see how  
15          much refrigerant was recovered.

16                        We won't even get into  
17          compressor oil and the other materials of  
18          concern, which we get mixed stories on how  
19          that's dealt with and how that's not dealt  
20          with and whether it's in compliance with  
21          federal laws or not.

22                        So all of these worries when we  
23          talk about the environment, and that's  
24          where we're hopeful, too, is that this new  
25          administration is sensitive to the

1           Public Hearing Re Recovery of Refrigerants  
2           environment, that the current process  
3           that's in place and these current  
4           regulations are really incentivizing an  
5           environmentally unfriendly process that  
6           will be incentivized to potentially even  
7           get worse and not get better.

8                         And we're here today in numbers  
9           again, a second time, because it's  
10          important to again reiterate that we think  
11          that there -- we have, through these  
12          companies and through our experience,  
13          dealt with how every other city in North  
14          America and everyone deals with the  
15          recovery and the excellent recycling of  
16          refrigerators. And we're happy to talk  
17          about it and try to come up with solutions  
18          to whatever the problem is -- like I said,  
19          we're still unclear what the problem is --  
20          and try to work through these.

21                        So we're hopeful that you'll, at  
22          bear minimum, take some of these concerns  
23          and adjust the regulations and show some  
24          kind of transparency so that at the end of  
25          the day when somebody gets a bill from the

1           Public Hearing Re Recovery of Refrigerants  
2           City of New York, that they can at least  
3           question it, confirm it and not just have  
4           the City say, We're New York City, here's  
5           your bill, you pay it or else, with no  
6           backup justification. That just doesn't  
7           seem like it's an appropriate way.

8                         And that's where the regulations  
9           are the way we see it. If we're seeing it  
10          the wrong way or saying it the wrong way,  
11          then we'd love to hear if these are, you  
12          know, how they are. Or if that's the  
13          intent, then maybe it's just  
14          clarifications through the regulations.  
15          And if you're seeing it this way now and  
16          these regulations are in place, that  
17          doesn't mean that three or four years from  
18          now when there's turnover and everything,  
19          that the people that are coming into new  
20          leadership, the Department of Sanitation  
21          doesn't see it a different way.

22                         So we really should work to  
23          clarify as much as possible if we're  
24          misreading the intent.

25                         MS. COOPER: Thank you for your

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Public Hearing Re Recovery of Refrigerants  
comments.

MR. HAWRANKO: Now, the record  
remains open until 4 o'clock?

MS. COOPER: Correct. But we  
will go off the record now unless someone  
else will come to testify.

(Off the record.)

MS. COOPER: It is now  
4 o'clock. This hearing is closed.

(Time noted: 4:00 p.m.)



**Public Hearing - Proposed Rule Governing Refrigerents Recovery  
March 27, 2014**

<p align="center"><b>A</b></p> <p><b>\$20 (3)</b> 29:17 31:2 33:11  <b>ability (1)</b> 17:3  <b>able (2)</b> 15:2 34:14  <b>accent (1)</b> 25:8  <b>acceptable (1)</b> 29:19  <b>accepting (1)</b> 7:9  <b>accomplished (2)</b> 8:25 9:8  <b>accomplishments (1)</b> 24:4  <b>account (3)</b> 11:8 12:11,18  <b>accountability (2)</b> 16:14 24:19  <b>accountable (1)</b> 13:9  <b>accounting (1)</b> 17:8  <b>accurately (1)</b> 8:9  <b>Act (2)</b> 3:11 33:25  <b>action (1)</b> 38:13  <b>add (1)</b> 22:9  <b>additional (3)</b> 14:17 19:22 22:20  <b>address (4)</b> 15:6 32:18,19,20  <b>addressed (2)</b> 10:7 12:15  <b>addresses (1)</b> 9:23  <b>adjust (2)</b> 13:12 35:23  <b>administration (6)</b> 24:14,18 30:8  30:11,15 34:25  <b>Administrative (3)</b> 3:10 4:13,16  <b>advantage (2)</b> 19:16 21:25  <b>Affairs (1)</b> 3:5  <b>affiliation (1)</b> 8:7  <b>affords (1)</b> 11:17  <b>afternoon (4)</b> 3:2,7 8:4 10:16  <b>agency (1)</b> 5:17  <b>agree (4)</b> 18:12 21:7,21 22:8  <b>air (12)</b> 2:9 18:6,9,18,18 19:5,9  20:11 32:2,4,8 33:25  <b>allocated (1)</b> 16:21  <b>allow (2)</b> 4:3 5:5  <b>allowed (1)</b> 13:24  <b>alternative (1)</b> 22:21  <b>alternatives (1)</b> 22:23  <b>America (4)</b> 2:8 15:15,22 35:14  <b>analysis (1)</b> 22:4  <b>announcement (1)</b> 4:6  <b>annual (1)</b> 6:11  <b>answer (2)</b> 3:15 10:10  <b>answered (1)</b> 30:13  <b>apartment (1)</b> 14:10  <b>apparently (1)</b> 24:15  <b>appliance (8)</b> 2:13 6:10 9:21 20:22  23:21,23,25 27:16  <b>appliances (22)</b> 2:7,10,11,12 4:20  4:21 5:8,13,24 6:5 9:24 10:4  20:14,16 21:15 23:3 25:2,4,5,14  29:22,25  <b>approaches (1)</b> 20:24</p>	<p><b>appropriate (1)</b> 36:7  <b>appropriately (1)</b> 16:20  <b>April (1)</b> 38:17  <b>arrived (1)</b> 22:15  <b>asked (1)</b> 16:15  <b>aspect (1)</b> 13:16  <b>assessed (2)</b> 22:18 23:5  <b>Associate (2)</b> 2:4 3:4  <b>Association (2)</b> 2:13 27:16  <b>assurance (1)</b> 24:18  <b>ate (1)</b> 31:24  <b>attend (1)</b> 4:4  <b>attending (1)</b> 3:6  <b>attention (1)</b> 13:18  <b>auditable (3)</b> 22:12 29:15 34:14  <b>authority (2)</b> 4:9 14:3  <b>authorized (1)</b> 6:24  <b>available (4)</b> 7:14 12:2,4 20:9  <b>AVENUE (1)</b> 1:22  <b>average (1)</b> 33:13</p> <hr/> <p align="center"><b>B</b></p> <p><b>back (2)</b> 12:7 13:10  <b>backup (1)</b> 36:6  <b>basic (1)</b> 16:2  <b>bear (1)</b> 35:22  <b>behalf (2)</b> 2:13 27:15  <b>believe (1)</b> 11:23  <b>benefit (2)</b> 19:20 21:7  <b>better (2)</b> 15:8 35:7  <b>bigger (1)</b> 26:7  <b>bill (4)</b> 11:11 29:6 35:25 36:5  <b>billed (1)</b> 11:9  <b>bills (1)</b> 22:14  <b>bit (5)</b> 11:3,5,25 18:22 19:5  <b>blank (2)</b> 11:11 12:7  <b>blood (1)</b> 38:13  <b>board (1)</b> 3:20  <b>Bosch (1)</b> 25:5  <b>brand (4)</b> 32:20,23,25 33:3  <b>breaks (1)</b> 18:23  <b>brief (1)</b> 8:17  <b>bring (2)</b> 14:8 26:24  <b>BSH (3)</b> 2:12 24:25 25:4  <b>BTU (2)</b> 19:8,8  <b>building (1)</b> 32:3  <b>Bureau (1)</b> 3:4  <b>business (4)</b> 7:12,21 32:9,10  <b>businesses (2)</b> 16:21 19:7  <b>buy (1)</b> 29:23</p> <hr/> <p align="center"><b>C</b></p> <p><b>C (3)</b> 2:2 38:1,1  <b>California (1)</b> 25:6</p>	<p><b>call (8)</b> 10:14 15:13 18:5 20:13  23:13 24:25 27:14 32:25  <b>called (1)</b> 32:5  <b>calling (2)</b> 8:3,13  <b>capabilities (1)</b> 20:8  <b>careful (1)</b> 7:22  <b>carefully (1)</b> 7:19  <b>carry (1)</b> 5:10  <b>cause (1)</b> 13:2  <b>central (4)</b> 19:18 24:15 26:20,25  <b>certain (2)</b> 6:17 9:15  <b>certainly (1)</b> 17:23  <b>certify (2)</b> 38:8,12  <b>cetera (1)</b> 9:6  <b>chance (1)</b> 14:11  <b>change (1)</b> 28:11  <b>changed (1)</b> 18:17  <b>changing (1)</b> 28:3  <b>Chapter (4)</b> 4:15 6:20,24 7:3  <b>charged (2)</b> 31:2 32:11  <b>charges (2)</b> 22:14,18  <b>charging (1)</b> 33:10  <b>Charter (1)</b> 4:12  <b>check (1)</b> 12:7  <b>choose (1)</b> 5:2  <b>city (37)</b> 1:4 3:5,10,16,19,22 4:7,11  4:13,16 5:15,17 6:21 7:11,24  9:12,19,22 12:9,10,12 14:14 15:3  17:19 19:4,10 20:5 21:14 23:7  24:17 28:17 29:6,20 35:13 36:2,4  36:4  <b>City's (1)</b> 10:5  <b>clarifications (1)</b> 36:14  <b>clarify (1)</b> 36:23  <b>Clean (1)</b> 33:25  <b>clear (5)</b> 9:23 10:2 27:25 28:12  29:4  <b>clearly (1)</b> 8:8  <b>clients (1)</b> 12:22  <b>close (2)</b> 7:12,21  <b>closed (1)</b> 37:10  <b>Code (2)</b> 4:13,16  <b>cold (1)</b> 10:20  <b>colleagues (1)</b> 21:5  <b>collect (1)</b> 33:22  <b>collected (4)</b> 9:21,25 10:4 33:16  <b>collecting (2)</b> 33:13 34:10  <b>collection (4)</b> 5:19 6:22 13:13  21:15  <b>combine (1)</b> 27:8  <b>come (10)</b> 13:10 14:12,22 15:8  16:14 17:6 24:21 27:10 35:17  37:7  <b>comes (1)</b> 12:19</p>
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