

May 04, 2021
GreenFeen OrganiX Testimony
New York City Business Integrity Commission: Hearing on Proposed Rules Governing
Microhaulers

Good Morning and thank you for the opportunity to testify today. My name is Dior St. Hillaire, and I am the founder of GreenFeen OrganiX, a Bronx based worker-owned cooperative designed to collect and process organic waste locally. We exist to ignite community based solutions that secure waste equity for Bronx residents. Through GreenFeen OrganiX, we adopt the principles of Environmental Justice, waste equity, and a circular economy. Our model is particularly designed to encourage local systems because we see the value in limiting the export of waste out of our city, not only for our environmental and economic benefit but for the recipients of our waste which are also other Environmental Justice communities globally.

I want to address my thanks for this consideration as a microhauler to be written into the city's rules and regulations. While this is a great step in the right direction there are elements that I want to highlight as significant barriers to responsible and equitable waste management practices.

As many of you are aware, the mayor has announced the reinstatement of Curbside Composting Collection. While this is a residential waste stream, as microhaulers we have a unique opportunity to also use the businesses we serve as another point of educating the local community about how to divert organic waste with the least amount of contamination and best practices.

As microhaulers we live in the same communities we serve, therefore it is crucial that our transparency and standard of conduct be considered as sufficient enough to forego the investigation and disclosure requirements. At GreenFeen OrganiX we are a worker-owned cooperative because we desire a more horizontal style of leadership and also because we want to give opportunities to the formerly incarcerated, who are our neighbors, a way to support their re-entry back into the community. The background check and disclosure requirements that are currently outlined will discourage this population from participating and limit our ability to train active members of society to assist in the management of organic material locally. It is for this reason that we believe these requirements should not apply to us as microhaulers who are a part of the Microhaulers and Processors Trade Association (MPTA).

The city should work to support worker-owned cooperatives and invest in the development of workers who are committed to the growth in the neighborhoods they live, work, shop and raise families in. This investment looks like waiving the same investigation fees we are suggesting to be exempt from.

As a New York City resident, microhauler and member of the NYC MPTA, I find it immensely important that the city prioritize support of community development. Our work as microhaulers

go far beyond simply collecting commercial organic waste. We are the community development programs that we speak of, we are the residents that are a part of this local economic system, we encapsulate the future of local waste practices that center workers, equity, and the environment in all that we do. I urge you to consider all of this when assessing the requirements for us to hold a license with BIC.

I thank you for the opportunity to testify and I will leave you with a rhyme for the time.

I am here today
To represent community
And the importance of amplifying
Voices for you and me
You are designed
Keeping in mind
To limit organized crime
And investigating MPTA members
Turns a blind eye
To the systemic design
Keeping poor communities
Out of work
Out of touch
Out of mainstream society
So we ask that you consider
Testimony we delivered
To amend the conditions
That erase us from being considered

Thank You



BIC's Proposed Rules Governing Microhaulers

May 4, 2021

My name is Jonas Schaller and I am testifying on behalf of Common Ground Compost and Reclaimed Organics.

Reclaimed Organics is a bike-powered organics collection service that is a division of Common Ground Compost, a founding member of the MPTA, and a social enterprise committed to education and advocacy that centers sustainability, waste materials literacy, equity, and community empowerment in an effort to help our neighbors and our city meet climate justice goals.

In addition to our team's own diversion efforts totaling over 600,000 pounds of organics diverted from landfills, we've also consulted with over 40 local New York City businesses and organizations in their own efforts to divert food scraps from landfills and reduce toxic emissions. Our educational programming centers how structural violence and systemic inequity result in harms and hazards that disproportionately impact chronically disenfranchised communities with respect to waste. From respiratory health concerns of impacted residents to the destruction of ecosystems to the erosion of soil, the negative impacts of waste inequity are abundant. Supporting microhaulers and developing equitable, hyperlocal infrastructure networks to address our waste management needs is one important way to continue to mitigate those negative impacts.

That is why I am here to urge you to adjust the proposed BIC rules pertaining to microhaulers.

To increase accessibility, improve work conditions, and ensure that recruitment and hiring processes are equitable, Class 1 Registrant Fees should be waived for Not-For-Profit Corporations and Worker-Owned Cooperatives § 6. Subdivision (a) of section 3-01 of title 17, auto-insured micro haulers should be granted a one year grace period before they are required to have Business Automobile Liability Insurance, and requirements for criminal background checks for employees should be eliminated. Requiring microhaulers to disclose their past involvement with the criminal justice system unjustly discriminates against formerly incarcerated people and in an era of necessary reform, these limits perpetuate inequitable practices in hiring.

Thank you for the opportunity to raise these concerns.

Jonas Schaller
Compost + Fleet Manager
Common Ground Compost LLC



NYC Microhaulers and Processors Trade Association Testimony for the Proposed Rules Governing Microhaulers

May 4, 2021

Good Afternoon,

My name is Meredith Danberg-Ficarelli, and I am testifying on behalf of the NYC Microhaulers and Processors Trade Association (NYC MPTA) regarding BIC's proposed rules governing microhaulers.

We are a trade association of New York City social enterprises recovering and processing food scraps and organic material locally to reduce waste destined for landfills. We support members' operations and their growth in order to protect and expand the organic waste microhauling and processing sector in NYC. Our goal is to create a more just and environmentally responsible way of handling waste that supports NYC communities and waste workers.

The inclusion of Microhaulers in New York City's Commercial Waste Zones legislation has been monumental. We recognize that integrating our emerging sector's workers and methods into existing commercial waste regulations is not a simple task. We would like to thank BIC for the work that has gone into this effort thus far to make licensing more accessible to microhaulers and appreciate the lowering of licensing fees. However, the proposed rules continue to pose social and economic obstacles to our small businesses. We encourage BIC to work with us to find fitting solutions toward fairer disclosure terms, rethinking background checks, addressing costly insurance burdens and creating a new business pilot program.

Microhaulers are small businesses, M/WBEs, worker-owned cooperatives, non-profits, and unincorporated grassroots efforts working directly in the communities we reside in. Not all microhaulers haul commercial waste, but many do, and others hope to. All MPTA members abide by a shared set of standards centered in equity, transparency, and responsibility that touch every element of operation, including organizational structure, collection, processing, labor, safety, environment, and community relations. These shared standards, codified in the MPTA's organizing documents, ensure our work as microhaulers and processors represent a fair, just, and responsible way of handling waste and supporting waste workers. BIC's goals of ensuring good business character, honesty, integrity, fairness, and safety, while progressing NYC's Vision Zero align with the MPTA's high standards.

BIC's stated purpose is to eliminate organized crime, corruption, and criminality from

NYC's commercial waste hauling industry. While we understand that this has been a necessary mission due to the history of NYC's private carting industry, the MPTA sees this as irrelevant to microhauling practices and is deeply concerned about the scope of the disclosures and criminal background checks that would apply to our members. Many MPTA member organizations prioritize hiring people with barriers to the traditional workforce, including people who have been formerly incarcerated often due to poverty and systemic racism. We are committed to actively rethinking BIC's role and request a meeting between BIC, the MPTA, and justice-minded legal support with the purpose of finding fitting alternatives to satisfy BIC's concerns and to reasonably narrow the scope of the required principal and employee disclosure forms and background checks.

The original directive BIC had to root out organized crime from waste hauling is important but no longer paramount, at a time when the waste industry must shift focus towards justice and climate. Commercial haulers might still need to be checked for ties to organized crime, but microhaulers and zero waste businesses at present scale absolutely do not.

Lastly, a huge barrier to emerging microhaulers continues to be insurance. It is costly and does not correctly categorize what we do. Existing microhaulers built their businesses independently pre-licensing and regulation which allowed us to expand our coverage as we expanded our services. In order to make entryway into microhauling more accessible we recommend that BIC continue to offer a 1 year pilot to support starting microhaulers as an entryway toward licensing and regulation. This transitional space would allow microhaulers to meet some of the regulation terms while being exempted from others that might not yet apply or be too burdensome. BIC and the MPTA would create the pilot program terms in partnership.

We want to reiterate our gratitude to BIC in offering this amendment and for BIC's willingness to work with microhaulers in creating more just environmental and social conditions in commercial organic waste management. Thanks to the Commercial Waste Zone system passed in Local Law 199 of 2019 microhaulers have been defined and included in the city's waste infrastructure. We hope to continue working with BIC to reimagine how microhauling waste in New York City can be licensed and regulated to support our shared goals of transparency, reducing truck miles, improving working conditions, reducing community burdens, and advancing environmentally sound practices. We look forward to collaborating and working together toward a more just, equitable and transparent commercial waste system.

Thank you for your time,

Meredith Danberg-Ficarelli
Director, Common Ground Compost LLC
Co-Founding Member, NYC Microhauling and Processing Trade Association



NYC-EJA's Testimony on BIC's Proposed Rules Governing Microhaulers with Certifications

May 4, 2021

My name is Dr. Tok Oyewole, and I am testifying on behalf of the New York City Environmental Justice Alliance (NYC-EJA).

Founded in 1991, NYC-EJA is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their fight for environmental and climate justice.

For decades, NYC-EJA has led efforts for comprehensive policy reforms to address the disproportionate burden of New York's solid waste system on a handful of environmental justice communities. The impacts of the solid waste system are greatest in a few low-income and communities of color where truck-dependent transfer stations are clustered, causing higher proportions of health consequences such as asthma, heart disease, and various cancers.

We are here today to advocate for adjustments in the proposed BIC rules pertaining to microhaulers that we think would improve equity and working conditions for small, largely up-and-coming businesses whose diversion of organic waste using zero- and low- emissions vehicles benefits environmental justice communities that bear the brunt of traditionally mismanaged waste, and whose work benefits frontline communities by reducing greenhouse gas emissions exacerbated by waste management.

BIC's Rules should seek to make entryway into microhauling more accessible:

- a. This can include implementing programs and pilots that support starting microhaulers, including technical, legal, and financial assistance, and streamlined aid in citing locations.
- b. Additionally, new microhaulers should have a one year exemption before they are required to have Business Automobile Liability Insurance, and should have a lower rate (but would still be required to have auto insurance)

Investigation fees should also be waived for Not-For-Profit Corporations and Worker-Owned Cooperatives § 6. Subdivision (a) of section 3-01 of Title 17.

Lastly, while we recognize BIC's important mission in creating a just landscape for commercial waste regulation and addressing malpractice, we share concern about some of the regulations that apply to microhaulers. The requirements for criminal background checks for employees in leadership and employees are troubling, in part because some Microhaulers and Processors Trade Association (MPTA) member organizations prioritize hiring people with barriers to entry to work, including people



New York City Environmental Justice Alliance

462 36th St, 3F, Brooklyn, NY 11232 | www.NYC-EJA.org

On the ground – and at the table

who have been formerly incarcerated.

Thank you for the opportunity to raise these comments regarding the proposed rules pertaining to microhaulers with certifications.

Submission of Greg Todd dba BKGreencart for BIC hearing on proposed rules for micro haulers
Hearing on May 4 2021

My name is Gregory D. Todd. I have been doing business as a microhauler using the name Bkgreencart for about two years prior to March 2020 when I ceased working due to the Covid 19 crisis. I am a small unincorporated owner and operator of a bike based food scrap collector. I thank you for this opportunity to provide input into these regulations.

While I find the proposed regulations reasonable for an established marketplace, it's unclear to me how feasible they are now, given the many unknowns related to the microhauling industry. Chief among these is the implementation of the Commercial Waste Zone (CWZ) regulations. Specifically it's unclear to what extent existing carters already operating fleets of non-microhauling vehicles will attempt to enter the microhauling marketplace. As a student of business history with an MBA from the University of Michigan, I'm acutely aware of how large players often conspire to exclude newcomers from the marketplace.

If the CWZ does not restrain existing haulers from using their market advantages to eliminate small startups such as Bkgreencart, it's entirely possible that many startups will be unable to gain enough business to handle the financial burden imposed by these regulations

Accordingly I find it imperative that BIC work with Sanitation to carve out a segment of the organic wastestream to be serviced solely by independently owned and operated microhaulers. It is only in this protected environment that I feel I can generate enough business to be able to support these proposed regulations. It's my belief that establishments generating only a small amount of organics are the natural clientele of microhaulers. It makes no environmental or business sense for large carters operating large packing trucks to service small generators. For the purposes of the CWZ I would define as small any generator with a weekly volume of less than 500 pounds of organics from a single location.

I would recommend that the CWZ create regulations requiring that small generators of organics be serviced solely by local independently owned and operated microhaulers. It is small locally operated microhaulers that can best service this marketplace from both a business perspective and an environmental perspective.

Further because many of the potential workers and owners of microhauling businesses may be victims of historic racism, I feel BIC needs to make appropriate adjustments to its background checks.

If such an amendment is appended to the CWZ regulations to exclude existing operators from the microhauling market and to amend background checks, I would feel comfortable supporting the proposed BIC regulations.



this



becomes

NEW YORK CITY
BUSINESS INTEGRITY COMMISSION
HEARINGS

Tuesday, May 4, 2021

WEBEX @ 11 AM

New York, New York 10007

Public Hearing to Comment on Proposed Rules

My name is Vandra Thorburn. I am the founder and president of Vokashi – the unique compost collection service established in New York State in 2009. Vokashi began as a service for households – and then grew to satisfy the demands of small business and office spaces that needed kitchenette collections. I am pleased to comment on the proposed changes to Title 17 of the Rules of the City of New York (“RCNY”) to promulgate rules for micro-haulers. At this time Vokashi is an MWBE, sole operated business collecting 2.5 tons of food scraps a month which we process at a registered compost site.

I appreciate all of the work that has gone into defining micro-haulers and helping to establish a reasonable legal framework for this valuable community-based, grassroots industry to grow.

As you know this is a fledgling grassroots-initiated industry that after 3 or 5 years in service is just beginning to understand and describe the scope of its operations and foresee its potential as a community-based solution to workforce development, environmental justice, the green and circular economies and sustainable education.

It is in light of this relatively young industry that I wonder why all of these rules are being promulgated: rules that were written to manage large scale hauling companies and corporate enterprises with a history of nefarious activities. I am concerned that these rules are designed to limit the growth of this community-based, grassroots sector.

It is understandable that the Business Integrity Commission should decide some of the rules of the road for this ‘micro’ industry, but why is this micro-industry being shoed into rules clearly designed for macro hauling companies and corporations.

For example, the reference to Commercial General Liability Insurance which allows for lower liability limits but still is an enormous burden on a small micro-business unlikely to encounter

such huge damages. (I paid thousands of dollars for a CGL insurance to collect 20 5 gallon buckets from a loading dock, once a month!)

Similarly, for Business Automobile Liability Insurance, and Employers' Liability Insurance the amounts may be lower than the rates for major companies and corporations, but they are still way in excess of (a) damages that such small businesses are likely to incur, and (2) debilitating in the amount of expenses for a small business.

And the requirement that such policies must be obtained from a company, or companies, duly authorized to do business in the State of New York with any number of superior ratings agencies or with approval a lower rating, in another example of weighty regulations to stifle and limit the growth of this 'micro' industry.

Another example of micro-haulers having to fit the breeches of a corporation!

It is, however, with regard to the registration and investigation of licensees that these rules set up potentially insurmountable problems. While the fees may be lowered for a micro-haulers, the rules regarding background checks I believe are explicitly designed to be discriminatory against particular community of employers and employees in this young and emerging industry. As community-based solutions are being forged to counter the systemic issues of underemployment, social and environmental injustice, this industry means to attract and develop a workforce of excluded and marginalized peoples. The notion of these investigations into the people in the micro-hauling industry seems excessive and exclusionary.

Again, I appreciate that BIC needs to set rules and regulations for us. I hope that you will consider and add the amendments shared with you today from the Microhaulers and Processors Trade Association to improve these rules to fit the size of our industry.

Respectfully submitted,

Vandra Thorburn