

## **Primer on Recycling Enforcement in NYC**

1988 -- Beginning of NYC recycling program -- a few pilot districts, starting with just newspapers in Greenwich Village, cans and bottles in others.

1989 -- Local Law 19 of 1989 -- made recycling mandatory and set annual recycling requirements increasing 5% per year to 25% in 1994.

Subsequent to passage in 1989, recycling regulations were proposed by DOS and approved by Council. The rules interpreted the term "mandatory recycling". Finable offenses include not having signage, not using properly labeled receptacles for recyclables, not recycling at all. Putting garbage in with recyclables is also an offense, but the converse is not true in apartment buildings due to arrangement between DOS and real estate industry. Most of the problem has been that recyclables are thrown in the garbage cans, but until recently, DOS has refused to examine the contents of black (garbage) bags or cans or to fine those disposing of recyclables with trash.

The percentage of the waste stream targeted as recyclables is thought to be 50 to 60%. If it is 50%, and we are only diverting 20% of the waste to recycling (at most - including contaminants), then 30% of the waste stream that is recyclables is thrown in the garbage. Looked at another way, 3/8 of the contents of garbage bags is recyclables, so if garbage bags/cans were systematically examined, recyclables would often be found.

Enforcement of Local Law 19 recycling requirements: Coalition of NRDC, CRAB, Staten Island residents and Councilmembers took NYC to court to enforce mandated diversion rates. Plaintiffs have won all seven court decisions, but all that happens is that DOS has a new, later deadline by which to achieve the required diversion rates. City has still not achieved 1994 commitment.

1993 -- Recycling Program goes Citywide (rolls out in Manhattan in September). SWABs urge that the City not put the enforcement program into effect immediately, but rather to have the enforcement officers do education for six months to a year.

1997-9? Recycling Program starts enforcement, but severely understaffed. Enforcement personnel also enforce other sanitation codes (littering, etc). SWABs have been advising more resources be given to enforcement and education.

1998? Pilot program in Staten Island to look inside black (garbage) bags. Single-family homes, not apartment buildings.

2001 -- Diversion rate is around 20%, still not at 1994 required level. (But included in this rate is garbage that is thrown into recycling receptacles. There is no agreed-upon figure for contamination rate (what percentage of materials sorted at MRFs that cannot be recycled, and must be disposed). Some have said it is as high as 1/3; others have said a few percent.)