



# STILL MORE DANGEROUS

NEW YORK CITY'S COMMERCIAL GARBAGE COMPANIES CONTINUE TO PUT WORKERS AND THE PUBLIC AT RISK



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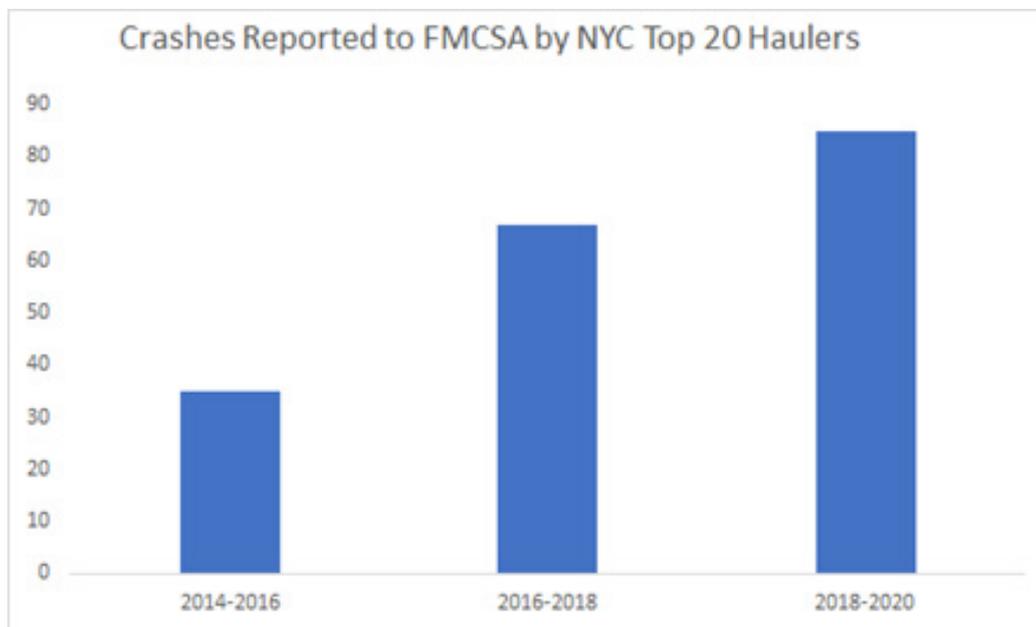
**NYLPI**  
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ALTERNATIVES

# From 2014 to 2020, Private Sanitation Trucks in NYC were Involved in a Consistently Increasing Number of Crashes.

Between 2018 and 2020<sup>1</sup>, the city's largest trade waste hauling companies were involved in 85 crashes, resulting in 90 injuries, and including two fatal crashes. This is a troubling increase of **140 percent over the six years from 2014-2020**.



This industry remains dangerous for workers as well - the US Bureau of Labor Statistics recently reported that being a waste collection worker is the sixth deadliest occupation in the country.<sup>2</sup>

Despite years of public scrutiny and hollow promises by the industry to self-regulate, it is more apparent than ever that the private sanitation industry cannot and will not improve on its own.<sup>3</sup> Full and robust implementation of the Commercial Waste Zones Law of 2019 is necessary to address root causes of safety violations in the private waste industry, which include excessively long, inefficient, and overlapping routes, poorly maintained trucks, and fatigued drivers working grueling night time shifts.

## NYC Private Waste Trucks Fail Safety Inspections at More Than Double the National Average.

Over the past two years, 52% of the trucks operated by the top 20 haulers were taken out of service upon inspection by the DOT — an indicator of the severity of the safety violations.<sup>5</sup> **This is more than double the national average for out-of-service orders, and has not significantly improved since 2018 when 55% of the same companies' trucks were taken out of service.**

Nearly all violations found during the inspections were vehicle-related safety violations pertaining to maintenance. Since 2016, brake maintenance has repeatedly been the most severe and the most frequent violation. The top violations recorded were for brakes, lighting, windshield, "other" vehicle defects, and emergency equipment.

Troublingly, over 20% of the violations committed by NYC's top haulers were assigned severity weights of six or higher by the FMCSA (out of a possible ten). NYC's top haulers were frequently cited for severe and easily preventable violations including excessively worn tires; driving without the proper license; inoperable head, tail, and brake lamps; and improperly secured loads.

# SOLUTIONS

The City's planned transition from the current chaotic race-to-the-bottom system to a more efficient zoned system can be used to greatly improve standards for commercial fleets, improving safety for sanitation workers and for everyone on NYC streets.

## **Implementation of the Commercial Waste Zones Law should maximize route efficiency and vehicle safety.**

During the upcoming implementation of Local Law 199 of 2019, DSNY has the flexibility to select one, two, or three haulers to serve customers in each of twenty zones, in addition to potential subcontractors, such as microhaulers using zero- or low- emission vehicles (e.g. bicycles). **Given the relationship between driver fatigue and crashes, we urge the City to select a single, high-performing hauler for each zone in as many of the zones as possible.** This would be the most efficient possible zone design, and would eliminate millions of unnecessary truck miles while enabling workers to work shorter overnight shifts and accumulate less fatigue. Creating the most dense and efficient possible routes can also improve worker safety, enabling truck crews to walk between more stops and slowing truck speeds.

### **1. Adopt and immediately enforce more rigorous safety rules for vehicles in the commercial waste industry. A zoned waste system can incentivize safer vehicle design.**

DSNY and BIC have proposed new safety rules for the private sanitation industry, and should be immediately adopted and rigorously enforced.<sup>4</sup> The rules would:

Require back-up cameras and auxiliary lighting on all waste trucks starting in 2026. Require safer truck designs for newly purchased trucks to improve visibility for drivers, and require older trucks to be equipped with front mirrors. Require GPS systems on trucks to enable enforcement of routing, safety, and customer service rules under the new CWZ system.

- Require that trucks undergo full safety inspections at least once every six months, daily safety inspections by the driver, and would give the City the authority to inspect trade waste vehicles and safety records at any time, and remove vehicles from service when violations are found.
- Require haulers to provide annual safety training to all drivers and helpers, and to maintain safety and timekeeping records.
- Ban unsafe yet common practices such as riding on the back of moving trucks, running red lights, and driving the wrong way on one-way streets.

Under the City's implementation timeframe for CWZ, safety rules can be mandated through enforceable contracts as early as 2022. However, given the recent spike in safety violations, we urge the Business Integrity Commission to begin thorough enforcement of these rules as soon as they are adopted, and that they include backup cameras and auxiliary lighting by 2023.

The RFP for the zoned collection system should also incentivize or require waste companies to make additional investments in cleaner, safer trucks beyond the minimum standards set forth in the current proposed rules, with an emphasis on electric vehicles powered by renewable energy sources, which have no tailpipe emissions and therefore reduce PM (particulate matter) 2.5 pollution in our neighborhoods.

Additionally, we recommend the City strengthen these rules further by:

- Requiring the removal of riding steps on private sanitation trucks.
- Requiring 100% fleet compliance with the City's side guard program.
- Ensuring that drivers asked to operate unsafe trucks by their employer can report these incidents to BIC and DSNY without fear of reprisal.

## **2. The Request for Proposals (RFP) from haulers, and the City contracts ultimately awarded for waste services, should both require safe operating practices.**

The City's forthcoming RFP seeking one or more private haulers to serve each zone is another critical opportunity to rapidly improve safety standards for workers and the public.

The minimum standards in the RFP should require that a proposing hauler demonstrate that they employ sufficient numbers of drivers and helpers to complete all garbage and recycling routes without mandating that these employees work extremely long hours and long weeks. Companies should be required to demonstrate that they pay living wages and benefits sufficient so that workers are not reliant on overtime shifts. This would boost local job growth in the industry, and eliminate the dangerous practice of requiring some workers to complete both garbage and recycling routes in a single night which can contribute to excessively long shifts.

As soon as possible, the City should also announce that each applicant's safety track record will be given substantial weight in the awarding of zones along with other critical environmental, community impact, and labor standards.

Once negotiated and awarded, the contracts between the City and the selected hauler for each zone must also enable the City to impose stiff penalties in the event of safety lapses. These should include liquidated damages or the re-bidding or municipal takeover of a zone in severe cases.

Finally, replacing diesel refuse trucks with zero-emissions electric vehicles would benefit both communities and workers, who are exposed to high levels of particulate matter pollution when working near and on diesel-burning trucks.<sup>5</sup> The CWZ RFP should provide a strong incentive for haulers to rapidly transition to electric trucks, and this factor should be given substantial weight in scoring proposals from hauling companies. Additionally, as written in Local Law 199, bids should be awarded more points and prioritized for contracting with microhaulers using zero- and low- emissions vehicles such as bicycles to divert specific waste streams, especially organics.

While the City's commercial waste zone reform will for now include only putrescible waste and recyclables (including organics) generated by most businesses, an RFP could also award points to companies that adopt these best practices for their entire fleets — including trucks used in construction and demolition, paper shredding, and other waste streams.

## **METHODOLOGY**

The FMCSA [Safety Measurement System website](#) publishes detailed statistics on reportable crashes,<sup>14</sup> safety inspections, and safety violations issued to private sector motor carriers throughout the United States. The website also reports the number of drivers and power units (trucks) for each motor carrier. For each carrier, these statistics are reported on a two-year, rolling basis.

For the 2016 [Reckless Endangerment](#) report, we compiled FMCSA statistics for the 20 largest trade waste haulers in NYC for the 24-month period from March, 2014 through February, 2016. In late March, 2018 we [once again compiled](#) FMCSA crash and violations data covering the 24-month from March, 2016 through February 2018 for the 20 largest NYC trade waste haulers. This enabled a direct comparison to the previous data without double-counting or missing any crashes or safety violations. The 2020 analysis collected data for the same haulers in December of 2020, approximately one year after the passage of the landmark Commercial Waste Zones bill in New York City.

## **NYC hauler panel**

For both the 2016 and 2018 safety analyses, we compiled statistics for the 20 largest licensed putrescible waste haulers, as determined by customer counts derived from the Business Integrity Commission (BIC) customer register. Partially redacted copies of the BIC customer register for the years 2014 and 2016 were obtained via open records requests. Companies which solely collect specialized waste streams such as paper shredding companies, medical waste haulers, and grease recyclers were excluded from the panel of the top 20 trade waste licensees.

The top 20 trade waste haulers in the 2018 panel serve about 75% of the NYC trade waste market, as determined by customer counts in the 2016 BIC customer register. Companies included are: Action Carting, IESI NY, Five Star Carting, Mr. T Carting, Sanitation Salvage Corp., Boro-Wide Recycling Corp., Royal Waste Services, Crown Container Co., Viking Sanitation, Liberty Ashes, Flag Container Services, Joro Carting, Mid-Bronx Haulage, Gaeta Interior Demolition, Avid Waste Systems, Joe Morea and Sons, M & M Sanitation, City Waste Services, Cinelli Carting, and D&D Carting.

For consistency, we compiled safety data in December 2020 for the same set of 20 haulers, with two changes: Sanitation Salvage, which saw two deaths within a six month period, shuttered its doors and surrendered its license in November 2018 (and is therefore no longer part of this report's dataset). Additionally, Five Star Carting changed its name to Cogent Waste Solutions during the 2018-2020 period, and began reporting to FMCSA under a new DOT license.

# **ABOUT US**

The Transform Don't Trash NYC coalition is dedicated to transforming New York City's commercial trash industry to reduce waste and pollution, foster clean and healthy communities for all New Yorkers, and create good jobs. Members include the New York City Environmental Justice Alliance and its member organizations ALIGN, the International Brotherhood of Teamsters Joint Council 16 & Locals 813, 831 and 210, and NYLPI.

Transportation Alternatives is committed to reclaiming New York City's streets for people by promoting bicycling, walking, and public transit. With 150,000 supporters and a committee of activists working in every borough, TransAlt is leading the fight to improve street safety and traffic enforcement, to get New York City to Vision Zero – the elimination of traffic deaths and serious injuries.

# ENDNOTES

1. Source data for this report published by the Federal Motor Carrier Safety Administration (FMCSA) was accessed in early December, 2020, approximately one year after the passage of the Commercial Waste Zone Law (Local Law 199 of 2019).
2. <https://www.bls.gov/news.release/pdf/cfoi.pdf>
3. <https://nyc.streetsblog.org/2018/10/22/why-is-the-city-partnering-with-rogue-carting-companies-that-kill/>
4. <https://dsny.cityofnewyork.us/wp-content/uploads/2021/03/DSNY-Proposed-Public-Safety-Requirements-for-Carters-Operating-in-Commercial-Waste-Zones-With-certifications.pdf>
5. California has adopted a rule requiring heavy-duty vehicle manufacturers to phase in electric garbage trucks: <https://www.nrdc.org/experts/patricio-portillo/california-makes-history-clean-trucks-rule>; additionally some major private sanitation companies have already announced plans to transition to electric fleets: <https://www.wastedive.com/news/republic-services-q4-earnings-electrification-santek/595507/>

