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OFFICE OF THE COMPTROLLER
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DEPUTY COMPTROLLER FOR
AUDIT

BUREAU OF AUDIT

September 29, 2014

By Electronic Mail

Tracy Catapano-Fox, Esq.
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

**Re: Letter Report on the New York City Civilian Complaint Review Board's
Compliance with Local Law 36 (Audit Number 7R14-119AL)**

Dear Ms. Catapano-Fox:

This Letter Report contains the findings of our audit of the compliance by the New York City Civilian Complaint Review Board ("CCRB") with Local Law 36, which governs waste prevention, reuse and recycling by City agencies. The objective of this audit is to determine if CCRB 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 CCRB to follow additional recycling rules established by the Department of Sanitation for the City of New York ("DSNY") pursuant to Local Law 36. Our audit of CCRB is one in a series of audits we are conducting of compliance with the local law.

Background

In 1989, New York City established Local Law 19, codified as Administrative Code §§ 16-301, *et seq.*, to establish an over-arching "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 by which it 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 the 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 the agency occupies. By July 1, 2012, and in each year thereafter, the lead recycling coordinator for each agency is required to submit a report to the head of its agency 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 Commissioner of DSNY 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 department’s annual recycling report.

Findings and Recommendations

Our audit found that CCRB generally did not comply with Local Law 36. We found that CCRB did not establish a waste prevention, reuse and recycling plan and did not submit the required annual reports to its executive director or to DSNY as required by Local Law 36. Although CCRB recycles its office papers, such as copier papers and computer printouts, CCRB does not source separate other recyclables as designated by DSNY. These recyclables include metal, glass, plastics and beverage cartons. Our findings are summarized in the table entitled Compliance Summary below.

COMPLIANCE SUMMARY		
Local Law 36 Criteria	Compliance	Notes
Recycles designated materials	Partial	Recycles office papers only
Designates waste prevention, reuse and recycling coordinator	Yes	CCRB appointed a coordinator in 2010
Establishes a waste prevention, reuse and recycling plan by July 1, 2011	No	CCRB did not have a waste prevention, reuse and recycling plan
Submits annual report to the agency head and DSNY Commissioner	No	CCRB did not submit the annual reports for fiscal year 2012 and fiscal year 2013

In addition to these findings, we observed that CCRB has made additional efforts to address waste prevention, reuse and safe handling of hazardous waste beyond the requirements of the local law. Specifically, CCRB has set the office printers to duplex

printing to reduce its paper usage. CCRB also follows city guidelines for the relinquishment and disposal of its unwanted computer monitors and other computer equipment. These measures were taken in accordance with DSNY's additional guidelines enacted pursuant to Local Law 36.

We recommend that CCRB prepare its waste prevention, reuse and recycling plan as soon as practical and submit the required annual reports to its executive director and DSNY by July 1st of each year as required by Local Law 36.

We also recommend that CCRB set up additional receptacles in its office to collect different streams of recycled materials as required.

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 July 15, 2014, 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, Local Law 36, DSNY's agency waste prevention, reuse and recycling plan template, and DSNY's report submission form and implementation guidelines;
- We sent an electronic survey to CCRB to determine if 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 CCRB;
- We requested and reviewed as applicable CCRB's waste prevention, reuse, and recycling plan, list of coordinators, and the agency's 2012 and 2013 annual reports; and
- We conducted interviews with CCRB's recycling/sustainability coordinator to discuss the agency's recycling and waste prevention efforts and visited CCRB 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 under Local Law 36. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

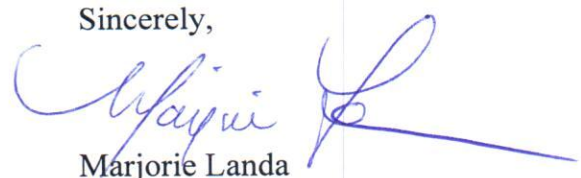
CORE CRITERIA	
Compliance	Detailed Criteria
Recycling	Agency source-separates recyclable materials
Coordination	Agency has a lead coordinator
	Agency has assistant coordinator(s) as applicable
WPRR Plan	Agency has a waste prevention, recycling, and reuse plan
Report to Agency Head and DSNY Commissioner	Agency submitted 2012 report
	Agency submitted 2013 report

Because many agencies may have pursued initiatives beyond these core requirements, we 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 CCRB officials during and at the conclusion of this audit. On August 15, 2014, we submitted a draft report providing CCRB with an opportunity to formally respond. CCRB's response was received on September 15, 2014. In its written response, CCRB generally agreed with the recommendations and is in the process of developing a written recycling plan. CCRB stated that "Our written recycling plan will detail much of the recycling efforts we have had in practice for several years..." and "will be completed by the end of October 2014 and submitted to the Executive Director of the agency and to DSNY."

The full text for the CCRB's comment is attached as an addendum to this report.

Sincerely,



Marjorie Landa

- c: Brian Connell, Deputy Executive Director, Administration
- Mindy Tarlow, Director, Mayor's Office of Operations
- George Davis, III, Deputy Director, Mayor's Office of Operations



BILL DE BLASIO
MAYOR

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RICHARD D. EMERY, ESQ.
CHAIR
TRACY CATAPANO-FOX, ESQ.
EXECUTIVE DIRECTOR

September 15, 2014

Marjorie Landa
1 Centre Street – Room 1100
New York, NY 10007

**Regarding: New York City Civilian Complaint Review Board's (CCRB)
Compliance with Local Law 36 - Audit Number 7R14-119AL**

Dear Ms. Landa:

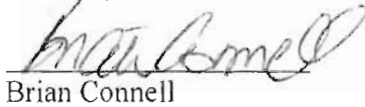
We are in receipt of your August 15, 2014 Draft Letter Report on the New York City Civilian Complaint Review Board's (CCRB) Compliance with Local Law 36 (Audit Number 7R14-119AL), the City's recycling law. As requested in the report, I would like to respond to the findings of the audit referenced above. The audit found the CCRB partially compliant with the criterion to designate recyclable materials and fully compliant with the criterion to designate a waste prevention, reuse and recycling coordinator. It found the agency non-compliant with the criteria to establish a waste prevention, reuse and recycling plan and to submit an annual report to the agency head and DSNY Commissioner.

The CCRB continues to make every effort to source separate metal, glass, plastic and beverage cartons and has designated colored recycling bins in its lunch room for this purpose. As indicated in the report, the agency exceeded some requirements of Local Law 36. Indeed, going forward the agency has chosen to be more environmentally responsible than the law requires and has taken steps to recycle more than just office paper. Moreover, the CCRB would like to point out that the agency occupies a commercial office space and is in compliance with the local law. As you know, the report found the CCRB partially compliant with the criterion to recycle designated materials in that the agency separated office paper only, and did not source separate recyclables such as metal, glass, plastic and beverage cartons. However, in consultation with DSNY, and as stated previously, we would like to point out that the agency occupies rented, commercial office space, and is in compliance with the commercial recycling law by recycling office paper, corrugated cardboard and bulk metal.

In regards to developing a written recycling plan, the agency has already begun discussions with the DSNY to do so. Our written recycling plan will detail much of the recycling efforts we have had in practice for several years. We have also obtained the DSNY's recycling plan template which agencies are using as a basis to compose their recycling plans. The CCRB's recycling plan will be completed by the end of October 2014 and submitted to the Executive Director of the agency and to DSNY.

Thank you for your work and for raising the issues you have highlighted as part of this very important citywide initiative. We will update you on our recycling plan and other recycling efforts as we move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Connell", is written over a light blue rectangular background.

Brian Connell
