

**Baruch**COLLEGE  
SCHOOL OF PUBLIC AFFAIRS

CENTER FOR NONPROFIT STRATEGY AND MANAGEMENT

NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES

**CASE STUDY 1**

**SOLID WASTE MANAGEMENT AND  
ENVIRONMENTAL JUSTICE:**

**BUILDING AND SUSTAINING COALITIONS**

**FULL VERSION**



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BUILDING AND SUSTAINING COALITIONS

FULL VERSION

This is one of three multimedia cases in the New York City Nonprofit Advocacy Case Studies series. The case narratives in the series are available in both a *Full Version* that includes an appendix with an analysis of the lesson learned, and a *Student Version* for use in the classroom that omits that appendix.

The *Full Version* is for general distribution to anyone interested in reading about the involvement of nonprofit organizations in advocacy. The *Student Version* is for classroom work. In addition, the background paper that accompanies the case studies, *Understanding Nonprofit Advocacy*, can be assigned to provide students with the theoretical context for analyzing the cases.

Students who are assigned the case study should work under an honor system and not consult the *Full Version* until after the classroom discussion.

*Teaching Notes* are available that provide instructors with additional information on how to use the cases, study questions for classroom discussions or assessment assignments and an analysis of the lessons learned for all three cases.

For copies of all three cases, the background paper *Understanding Nonprofit Advocacy* and information on how to obtain the *Teaching Notes*, visit the New York City Advocacy Case Studies website:

<http://www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/CaseStudies.php>

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**A video of the nonprofit advocates highlighted in this case study discussing their role in the advocacy campaign is available at: <http://usqproductions.com/media/baruch>**

**A background paper, *Understanding Nonprofit Advocacy*, explores the definitions of advocacy, the strategic choices organizations make when planning advocacy campaigns and the difficulties of evaluating the outcomes.**

**The cases consist of a written narrative and accompanying videos of nonprofit advocates discussing their work. Also available are *Teaching Notes* that provide instructors with additional information on how to use the cases, study questions for classroom discussions or assessment assignments and an analysis of the lessons learned for all three cases. All documents and links to additional materials are available on the NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES website at: <http://www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/CaseStudies.php>**

## **ACKNOWLEDGEMENTS**

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## **CENTER FOR NONPROFIT STRATEGY AND MANAGEMENT**

The School of Public Affairs (SPA) at Baruch College launched the Center for Nonprofit Strategy and Management (CNSM) to address the needs of nonprofit organizations that are pivotal to the health and well-being of New York City. The CNSM community of professors and practitioners takes seriously the relationship between research and practice—practice informs the faculty’s development of theory as much as theory informs their approach to practice. Faculty members engage directly and vigorously with area nonprofits and the institutions that support them and command a wide range of expertise. The School has substantial strength in organization theory, budgeting and finance, public communication, advocacy and lobbying, technology diffusion, population studies, strategic planning, housing policy, human services management, and health care policy.

SPA and the CNSM offer a wide range of academic and non-credit programs and services that address the complex issues facing the nonprofit sector, including strengthening leadership and building a pipeline of future leaders. These programs include a Master of Public Administration with a concentration in nonprofit management, monthly seminars for nonprofit professionals, conferences, the annual Consulting Day, the annual nonprofit executive outlook survey, the Emerging Leaders Program, and support for and collaboration with various “umbrella organizations.”

For more information about SPA and CNSM see:

<http://www.baruch.cuny.edu/spa/home.php>

<http://www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/index.ph>

## **ROBERT STERLING CLARK FOUNDATION**

The Robert Sterling Clark Foundation supports advocacy through its program on "Improving the Performance of Public Institutions." The underlying premise of the Foundation's interest in government performance is that government agencies and employees will deliver better services in a more cost-effective manner if their activities are scrutinized, evaluated, and held up to public view. While there are a number of public sector entities that monitor government spending, we believe that outside organizations play a critical role in examining existing policies and programs, identifying deficiencies, and promoting reforms that are responsive to changing societal needs. At times, this function has been carried out by the press, but for persistent attention to complex social problems and public bureaucracies, we have come to rely on non-profit organizations that make use of the following strategies to advance the public good:

- Conducting research to determine the efficacy of government programs;
- Communicating information about government performance and policy options to the media, policymakers, and the general public;
- Organizing citizens to bring collective pressure on public agencies to be responsive;
- Helping government officials develop and implement sound policies and programs; and
- Litigating when government agencies are not complying with applicable laws, and other actions fail to improve their performance.

The Foundation's focus on advocacy also reflects our desire to maximize the impact of our limited philanthropic dollars. By influencing government policies and programs, our grantees affect the expenditure of millions of dollars in public funds--an impact many times the size of our grants budget. As exemplified by the three case studies presented in this series, our Public Institutions program supports advocacy efforts across a wide range of issue areas.

We recognize that government affects the wellbeing of the entire public by shaping the physical and environmental characteristics of the communities in which we live. Thus our grantmaking supports efforts to improve city and state policies in areas such as solid waste management, land use planning, and government operations, with particular attention to their impact on low-income communities.

Policy change rarely happens quickly or easily. As the case studies demonstrate, it often requires years of class action litigation and persistent monitoring of government agencies, advocacy, and public engagement activities. To mount these kinds of long-term campaigns, advocates need long-term funding. Over a 30-year period, the Foundation awarded a total of \$2 million to the Natural Resources Defense Council and the Environmental Defense Fund, and additional grants to allied groups, for their work to reform New York City's solid waste management policies and programs.

## INTRODUCTION TO THE NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES

The Center for Nonprofit Strategy and Management has developed three multi-media case studies on landmark attempts by nonprofit organizations to drive policy changes on key issues in New York City. The three issues are:

**Case 1: Solid Waste Management and Environmental Justice.** This case examines the continuing work of community-based organizations and public interest lawyers to promote equitable and environmentally sound solutions to waste handling in New York City.

**Case 2: Child Welfare/Foster Care.** This case study focuses on the campaign to eliminate racial and religious bias from the New York City foster care system, to protect children in foster care from abuse and neglect, and to improve child welfare services.

**Case 3: Education Finance Equity.** This case study examines the advocacy work in support of the *Campaign for Fiscal Equity v. State of New York (1993)* that brought together a coalition of education advocacy groups, parent organizations, and community school boards to push for more equitable funding of NYC schools.

The three cases document the background of the advocacy campaigns, identify the outcomes and impacts, analyze the role of the advocacy organizations and coalitions, and determine the key factors in the success or failure of the different elements of the campaigns. They highlight key elements of advocacy campaigns, including: the importance of grassroots campaigns and building a public constituency; the dynamics of complex coalitions; the pro and cons of litigation as an advocacy strategy; the role of policy research; and the importance of and preparing for a long-term commitment.

The cases are multi-media, with written narratives and accompanying videos of interviews with the advocates highlighted in the cases. The case narratives describe the unfolding of the events, identify the advocacy strategies used by the nonprofit organizations, and analyze the major lessons learned. Each case has an appendix with links to supplementary online documentation and to numerous examples of print and visual media coverage of the issues.

An additional background paper, *Understanding Nonprofit Advocacy*, explores definitions of advocacy and the challenges in evaluating the outcomes of advocacy campaigns. Also available are *Teaching Notes* that provide instructors with additional information on how to use the cases, study questions for classroom discussions or assessment assignments, and an analysis of the lessons learned for each of the three case studies.

## **CASE STUDY 1**

### **SOLID WASTE MANAGEMENT AND ENVIRONMENTAL JUSTICE**

#### **BUILDING AND SUSTAINING COALITIONS**

##### **ABSTRACT**

This case study examines the continuing work of community-based organizations and public interest lawyers to promote equitable and environmentally sound solutions to solid waste handling in New York City.

The case highlights the importance of grassroots campaigns and policy research, as well as the dynamics of complex coalitions.

##### **BACKGROUND TO SOLID WASTE ISSUES IN NEW YORK**

New York City has a long history of advocacy around solid waste issues. When the proposal to create a landfill at Fresh Kills in the borough of Staten Island leaked to the public early in 1946, local residents stormed to Manhattan and staged the biggest protest City Hall had seen. Robert Moses, the powerful City Planning Commissioner, promised that it was to be a “clean fill” and would only be open for three years. Instead, Fresh Kills stayed open for nearly 60 years and grew to be the largest landfill in the world, receiving, at its peak, as much as 29,000 tons of trash per day.

From the time Fresh Kills opened in 1947 until the mid-1980s, the city’s Department of Sanitation trucks that collected residential and institutional waste, and the privately owned trucks that collected non-residential (or “commercial”) waste, would take their loads to one of eight marine transfer stations (three each in Manhattan and Brooklyn, and one each in the Bronx and Queens) where the trash would be put on barges headed for Staten Island.

In 1987, in an effort to prolong the life of Fresh Kills, the city raised tipping fees, the price charged to private waste haulers for unloading at the marine transfer stations. In response to the price increase, private companies started building small land-based transfer stations where commercial waste was transferred to trucks for road transport to dump sites outside of New York City. This new, poorly regulated waste transfer industry produced dozens of facilities, located predominantly in industrial zones neighboring residential areas such as Williamsburg-Greenpoint, Brooklyn and Hunts Point in the Bronx, which were low-income communities of color. The facilities were loathed by nearby residents who were subjected to the sights, sounds, and smells of thousands of tons of waste being driven in and out of their neighborhoods.

With Staten Islanders clamoring to close Fresh Kills and residents of the neighborhoods plagued by waste transfer stations seeking relief, the Department of Sanitation began to explore new ways to deal with the city's waste. Recycling and other waste reduction strategies emerged as major issues, but the most vocal debates were over proposals to burn trash in incinerators. The incinerators would produce energy that could be added to the power grid and supporters emphasized these waste-to-energy advantages, but opponents argued that the emissions from such facilities would create unacceptable health risks and environmental groups have continued to fight against their construction in New York City.

In 1996, Governor Pataki and Mayor Giuliani announced that the Fresh Kills landfill would close and that use of the marine transfer stations would be phased out by the end of 2001. The announcement was the result of a compromise deal in the State Legislature in which Democrats agreed to close the landfill in the Republican stronghold of Staten Island, while Republicans agreed to support the ban sought by Democratic legislators on the proposed waste-to-energy incinerators. But the deal begged the question of where the thousands of tons of garbage going to Fresh Kills every day would go after the landfill's closure. The Department of Sanitation's short-term plan involved contracting with private companies who would haul the garbage to out-of-state landfills. This, however, meant an even greater reliance on the private waste transfer stations and an exacerbation of the negative environmental and public health effects certain communities were facing. Residents already exposed to the consequences of living in environments polluted by garbage and thousands of diesel fuel-spewing trucks were about to get even more exposure to the city's waste. The Department of Sanitation, with the urging and support of local communities and advocacy groups, worked on crafting a long-term plan that would lessen the overall environmental impact of the city's waste.

In 2006, the City Council and State Department of Environmental Conservation approved Mayor Michael Bloomberg's Solid Waste Management Plan (SWMP). The previous SWMP, passed in 1992, had been updated and modified in 1996 and 2000, but was not implemented effectively by the Giuliani administration and was still not satisfactory to many community advocates. The 2006 SWMP reinforced the city's commitment to recycling by setting ambitious new goals and proposing two new recycling facilities. It detailed a system of waste collection and export that relied less on trucks and more on barge and rail, and made each borough more or less responsible for its own waste. A critical component of the new plan was to re-open four of the marine transfer stations that were closed along with Fresh Kills, and it was proposed that they would handle commercial as well as residential waste. The plan received widespread support and acceptance from the neighborhood civic groups and environmental advocacy organizations that had fought for environmental justice in New York City.

The following table highlights some of the key events in the city's path to a new solid waste management plan (Table 1).

**Table 1: Timeline of Key Events**

<b>Year</b>	<b>Event</b>
<b>1984-1985</b>	New York City plans to reduce dependence on Fresh Kills by building new waste-to-energy incinerators in each borough. Environmental Defense Fund (EDF) releases report, "To Burn or Not to Burn," helping slow the move towards incineration.
<b>1987</b>	City raised tipping fees and land-based waste transfer stations begin to open in industrially zoned waterfront communities.
<b>1989</b>	Local Law 19 is passed creating citywide recycling program and establishing the Citywide Recycling Advisory Board (CRAB).
<b>1990</b>	Local Law 40 is passed, mandating that the Department of Sanitation adopt siting regulations to prevent clustering of waste transfer stations.
<b>1992</b>	After Mayor Giuliani cuts the recycling budget, CRAB releases "Recycle First" report to push for funding of the recycling program.  The City Council approves a long-term SWMP with a significant recycling component, aimed at reducing reliance on incinerators.
<b>1996</b>	Mayor Giuliani and Governor Pataki announce that Fresh Kills will close as of December 31, 2001.  Natural Resources Defense Council sues the city after Mayor Giuliani slashes the city's recycling budget.
<b>1998</b>	The city releases a report, "2001 and Beyond: A Proposed Plan for Replacing the Fresh Kills Landfill." The proposal to build three large Enclosed Barge Unloading Facilities (EBUFs) is criticized by community groups because the facilities would be run by private companies and could potentially serve as regional transfer stations for cities and states outside of New York.
<b>2000</b>	The Organization of Waterfront Neighborhoods (OWN)/Consumers Union release the "Taking Out the Trash" report, calling on the city to utilize network of existing marine transfer stations.  A modification is made to the 1992 SWMP, proposing ways to make the system more equitable, including reuse of existing marine transfer stations and a substantial waste prevention and recycling component.
<b>2004</b>	Mayor Bloomberg submits a new SWMP to the City Council, featuring a plan to retrofit and reopen four marine transfer stations.
<b>2005</b>	The Uniformed Land Use Review Process (ULURP) applications for the marine transfer stations pass in the City Council, approving the retrofitting and reopening of four marine transfer stations.
<b>2006</b>	Mayor Bloomberg's SWMP is adopted by the City Council and approved by the State Department of Environmental Conservation (DEC).
<b>2008</b>	The State Senate and Assembly approve the Gansevoort Marine Transfer Station, a recycling center which needed state approval because of the Hudson River Park Act that designated the area for park development.  The city creates Community Advisory Groups (CAGs) to represent communities that will host new facilities.
<b>2009</b>	The New York State DEC approves the reopening of the 91 <sup>st</sup> street marine transfer station, following years of petitions and appeals by a group of area residents known as the Gracie Point Community Council.

## **ADVOCACY ON ENVIRONMENTAL JUSTICE ISSUES**

In the last decade and a half, the advocacy efforts of environmental justice organizations focused on the fact that a disproportionate amount of the city's trash was being handled by a small number of community districts, generally low-income communities of color. According to a joint statement issued in 2005 by the Natural Resources Defense Council (NRDC), the Environmental Defense Fund (EDF), the New York League of Conservation Voters (NYLCV), the New York City Environmental Justice Alliance (NYC-EJA), and the Organization of Waterfront Neighborhoods, more than 80% of the City's trash was trucked, stored, and then bundled for interstate transport in just four out of 59 community districts. The South Bronx, where just 6.5% of the city's population resides, was home to 15 waste transfer stations and handled over 31% of the city's solid waste. Not coincidentally, the South Bronx had one of the highest asthma rates in the world. Communities neighboring waste transfer stations were forced to deal with the noise pollution emitted from large trucks, damaged and overcrowded roads, and the noxious air and odors that emanated from the trucks and facilities. Advocates sought to limit the number of transfer stations in any one neighborhood and minimize the negative impact facilities had on area residents.

Environmental organizations such as EDF and NRDC had been active in advocacy around solid waste management well before the issue of transfer stations started gaining attention. For years prior, they had been attempting to convince the city to handle its waste in a more environmentally sound manner through various waste reduction strategies, including recycling.

### *No to Incineration, Yes to Recycling*

In the mid-1980s, facing the reality of a landfill filling up too quickly, the city began to enact policies that did not sit well with environmental organizations. As part of its effort to lengthen the lifespan of Fresh Kills, the city began to look at new avenues for disposing of its waste, including expanding waste-to-energy incineration. While the city was moving ahead with plans to open at least one waste-to-energy facility in each borough, environmental advocates were putting together reports and testifying at administrative hearings that incineration was not an environmentally sound or economically efficient means of disposing of the city's trash. Meanwhile, EDF, NRDC and other organizations were pushing for a comprehensive recycling program as part of the alternative to incineration.

State solid waste management legislation in 1987, which put recycling higher than incineration on a list of priorities for waste handling, was on the side of the city's recycling advocates. Plans for a proposed waste-to-energy facility in Brooklyn were stymied by a court ruling that under the state law the city would have to implement a recycling program before it could build any new incinerators. In 1989, NYC Local Law 19 was passed, establishing a recycling program that aimed to recycle 25% of the city's residential waste by the mid-1990s, and waste-to-energy was put on the back burner. According to EDF lawyer Jim Tripp, NRDC's work to rally support for the recycling initiative along with EDF's technical and legal work at administrative proceedings on potential new incinerators were critical in ensuring the passage of the recycling program. Shortly after the law was passed,

Mayor Giuliani attempted to significantly reduce the budget for the recycling program, but advocates resisted, and in 1992 the Citywide Recycling Advisory Board released a report titled "Recycle First." Four years later, another attempt by Giuliani to slash the recycling program's budget resulted in a lawsuit by NRDC.

### *The Dilemma over Transfer Stations*

While recycling advocates battled the city over implementation and funding of the recycling program, the inequitable burden of waste disposal on certain communities started gaining more attention. In the industrial areas of the South Bronx, Brooklyn, and Queens, dozens of waste transfer stations were being opened and operated with little regulation. Eddie Bautista, a long-time environmental advocate who is currently coordinator of NYC-EJA notes that, "You had enormous construction and demolition debris transfer stations that would be spewing toxic construction dust. You could go on a building in Williamsburg and look and see a half-mile away a plume of dust hanging over and you knew that was the transfer station." It was not only the waste transfer stations that negatively affected these communities, but also the truck traffic associated with them. Large, diesel trucks would often wait in queues for hours to enter a facility, all the while emitting toxic fumes and noxious odors that constituted an environmental and health hazard for nearby residents. For those considering new plans to deal with the city's waste, reducing the reliance on land-based waste transfer stations was a top priority.

The fact that the communities exposed to these hazards were exclusively low-income communities of color raised the ire of activists and advocates. It was not difficult to recognize the common theme among the neighborhoods that were being overrun with waste transfer stations. According to Gavin Kearney of New York Lawyers for the Public Interest (NYLPI), "People just started to connect dots that weren't that hard to connect. When you see folks in Red Hook and in the South Bronx and in Williamsburg and Greenpoint all have the same thing happening at the same time, people started realizing that there were larger systemic forces in operation."

While waste transfer stations had many negative impacts on nearby residents, they were in fact operating in industrial areas designated for such use. "It was in their neighborhood but it was also in the neighborhood it was supposed to be in; by the zoning map it was an industrial zone," says Walter Czwartacky of the Department of Sanitation. The fact that so many residents live in and around such industrial zones and that many of these communities are poor communities of color is a reality that many urban areas are forced to deal with. Czwartacky acknowledges that the Department of Sanitation did not have the proper rules and regulations in place for the siting and operation of transfer stations in 1987, when the raising of tipping fees increased demand for such facilities. But he stresses that the Department has constantly sought to create a fairer and more equitable waste disposal system.

### *A Citywide Alliance*

Zoning resolutions meant little to the residents of communities where dozens of waste transfer stations operated. Regardless of whether the transfer stations were technically

where they were supposed to be, residents of the affected communities felt they were being overburdened by a disproportionate share of the city's garbage. In 1990, when waste transfer stations were being opened one after the other, clustered in certain communities and operating without adequate regulation, community groups applied pressure on the city to address the issue. The City Council passed Local Law 40 mandating the Department of Sanitation to adopt siting regulations for transfer stations to ensure that large numbers of unwanted facilities would not be clustered in the same few neighborhoods. In 1991, some of these neighborhood groups joined together to create the NYC-EJA.

After the announcement was made that the Fresh Kills landfill would be closing, community groups grew concerned that there would be a greater reliance on private transfer stations to handle even more of the city's waste than they had up to that point. In 1997, as the waste transfer station issue continued to negatively affect communities, NYC-EJA, its member groups, NYLPI, and other affiliate groups created the Organization of Waterfront Neighborhoods (OWN), a citywide coalition of over 20 neighborhood groups that sought to end the inequitable burden their communities faced in dealing with the city's waste. "From 1990 to 1996 we worked on application by application, neighborhood by neighborhood, fighting facility by facility. It wasn't until '96 that we had a cohesive city wide policy that tied everyone together," says Eddie Bautista, one of the co-founders of OWN.

With technical assistance from NYLPI, NYC-EJA, and the Consumers Union, OWN set out to advance its own solid waste management plan. In 2000, it released "Taking Out the Trash," a report calling on the city to utilize the marine transfer stations slated for closure along with Fresh Kills so that the city would be less dependent on truck-based export and each borough would handle its fair share of waste. For OWN, there were several benefits of going back to the city's old infrastructure of marine transfer stations and shipping waste by barge. Each barge could haul the equivalent of close to two dozen trucks worth of waste, significantly reducing the presence and impact of truck traffic on affected communities. Bautista also felt that by maintaining control over the city's infrastructure and waste management processes, rather than allowing private companies to do the job, the city would be able to incentivize recycling in a way that private companies would not.

While the leadership of OWN was drafting its own solid waste proposal, its member groups were active in their individual communities. The community groups recruited neighborhood residents to attend marches and flood council meetings and environmental hearings with their concerns over truck traffic and the consequences it produced. One such group, OUTRAGE (Organizations United for Trash Reduction and Garbage Equity), represented the Williamsburg-Greenpoint section of Brooklyn where over 40% of the city's garbage was processed. UPROSE (United Puerto Rican Association of Sunset Park) represented neighborhoods in Southwest Brooklyn which was home to several waste transfer stations. Groups such as OUTRAGE and UPROSE played a crucial role in educating their communities on environmental justice issues and utilizing community support and action to influence city council members.

### *The New Plan*

According to Department of Sanitation officials, the need for a more sustainable and equitable solution to the city's solid waste problem was not something that advocates needed to remind them of. For years, the agency had been attempting to find alternative means of waste disposal as it phased out the use of Fresh Kills. In the short term, the Department of Sanitation established contracts to have the waste trucked out of town, primarily utilizing the private transfer stations that had been handling much of the city's commercial waste. An initial long term plan that envisioned three new regional transfer stations was met with resistance from advocates and their partners in the City Council who insisted that any new plan address the issue of borough equity. The 2000 modification to the 1992 SWMP focused on making the waste transport and disposal system an economically sustainable one while also taking the load off of overburdened communities. It included some of the same measures that would be critical components of the 2006 plan, including utilizing existing marine transfer stations and a focus on waste prevention and recycling.

By the time of OWN's "Taking Out the Trash" report and the SWMP modification in 2000, the larger environmental organizations had begun to take notice of the waste transfer station problem and the issue of environmental justice. EDF's Jim Tripp recalls meeting Paul Lipson of the Hunts Point Community Development Corporation in the Bronx and looking at a waste transfer station and a sewage treatment plant on the waterfront. "[He] said to me 'Manhattan gets parks and we get Manhattan's waste' and that really stuck in me. That really catalyzed in my mind that this was unfair. It was outrageous." In 2004, EDF released "Trash and the City," a report that outlined ten possible scenarios in which various combinations of old transfer stations could be re-opened in order to significantly reduce the number of miles driven by trucks hauling the city's garbage.

In 2006, Mayor Bloomberg's SWMP, which borrowed heavily from the plans promoted by advocates, was approved. A Mayoral inter-agency task force that included the Department of Sanitation, the Economic Development Corporation, the Office of Management and Budget, and representatives from the Mayor's office worked with groups such as OWN and EDF to iron out the details of infrastructure and to make the plan as economically and environmentally efficient as possible. The 2006 SWMP included the re-opening of four marine transfer stations to handle the city's residential garbage, use of the existing West 59<sup>th</sup> Street marine transfer station for Manhattan's commercial waste, and the conversion of an old marine transfer station at the Gansevoort Pier in Manhattan into a recycling center. The plan also included proposals for the city to utilize existing private transfer stations which would be converted from truck to rail and barge-based export facilities. After years of task force reports, solid waste plans and plan modifications, lawsuits, protests, hearings, meetings, and administrative proceedings, the Department of Sanitation and the City of New York had created a plan that responded to many of the concerns of environmental and environmental justice advocates.

## **ADVOCACY STRATEGIES**

Advocates in New York City have utilized a variety of strategies to influence solid waste and environmental justice policies over the past several decades, including the most recent SWMP.

### *Legal and Legislative Strategies*

When financial constraints compelled Mayor Giuliani to slash the budget for the city's recycling program, NRDC successfully sued the city, forcing it to fund the program so that it could meet the goals established in Local Law 19. Litigation was also used by NYLPI when the Department of Sanitation did not implement Local Law 40, the city law that required the city agency to adopt regulations regarding the siting and operation of waste transfer stations. The effectiveness of litigation as a strategy is often determined by how binding the terms of the law are. Speaking of NRDC's lawsuit to enforce the recycling law, Goldstein comments, "We anticipated that we would have to go to court to enforce this and if we had that mandatory language in the statute we thought we would have a chance of winning."

### *Research and Policy Analysis*

Advocates relied heavily on research and technical reports, along with testimony at administrative proceedings, to propose alternative methods of waste export and influence the discussion of solid waste policy. The reports, "To Burn or Not to Burn" (1985) and "Recycle First" (1992) offered both environmental and economic rationales for moving away from incineration and towards increased recycling. OWN raised over \$100,000 to hire experts in the field of public health and environmental engineering, lawyers, and other consultants to help prepare the 2000 "Taking Out the Trash" report, which was among the first calls to retrofit the city's existing network of marine transfer stations. EDF's "Trash and the City" also called for many of the changes that were included in the 2006 SWMP. "It's important to do good technical work and have that capacity; maybe not always to influence the general public but in terms of being able to persuade decision makers in the private sector or in the government to rethink something," says Tripp.

### *Coalition Building and Capacity Development*

There were multiple organizations involved in the effort to shape a new SWMP and the broad-based coalition was critical in achieving their goals. Capitalizing on its strengths and past experience, EDF continued to issue technical reports on ways to minimize the environmental harms caused by waste transport and disposal while NRDC focused much of its energy on the recycling issue. OWN, with assistance from NYC-EJA and NYLPI, made the environmental justice issue its primary focus of concern.

While individual groups often worked separately, and on separate issues, each organization ultimately supported the work of the others, and their combined voices heightened attention to each individual organization's concerns. "The usual pattern of activity in these campaigns is such that the groups get together early on, sit down, and figure out what their

priorities are, figure out what resources they have, and either divide up issues or sub-issues or find a way to work together to be mutually supportive even as they're going down parallel tracks," says Goldstein. Letters to city and state officials were often signed by multiple parties, and rallies to inform the community and gather support were sponsored not only by the neighborhood organizations of OWN, but by citywide organizations such as NYLPI and NYLCV.

The coalition formed around the solid waste issue was not only critical in the formulation of a new SWMP, but also in ensuring that it could be enacted and its provisions implemented. When the Uniform Land Use Review Procedure (ULURP) application for the marine transfer station on East 91<sup>st</sup> street in Manhattan was facing defeat in the City Council, advocates teamed up to secure the votes needed to pass it. "You had a productive coalition between environmental justice groups and mainstream environmental groups who don't always work together harmoniously. We'd go in and they'd hear from environmental justice groups. And they would come in and they'd hear from environmental groups. Each of us gave credence to the other," says Kearney.

#### *Community Support and Direct Action*

Building community support was also crucial to the advocacy work on solid waste management. Getting residents to turn out for City Council hearings, and to be involved in the environmental review process for individual facilities, ensured fair media coverage and put pressure on elected officials. "When we get 40 or 50 people packed into a small City Council committee hearing it really changes the dynamic of what's going on there," says Kearney. Grassroots organizations such as OUTRAGE and UPROSE also utilized community participation to make sure their voices were heard. Wearing bright yellow t-shirts identifying the organization, OUTRAGE attended City Council meetings and organized marches along truck routes that gave a voice to their community. UPROSE coordinated environmental justice tours with the White House Council on Environmental Quality and the U.S.E.P.A. National Environmental Justice Advisory Council, putting federal pressure on city officials to prioritize environmental justice in a new solid waste plan.

#### *Consultative and Advisory Committees*

The establishment of advisory committees was a key element in the formulation of new SWMPs. In the 1980s, Solid Waste Advisory Boards (SWABs) were set up in each borough under the guidance of the borough president. The SWABs were an integral part of the push towards recycling and away from incineration. From the beginning, prominent environmental advocates were key members of these boards. Manhattan Borough President David Dinkins asked Jim Tripp from EDF to be the first chair of his SWAB. The 1989 recycling law set up a Citywide Recycling Advisory Board (CRAB), which advocated strongly to keep the recycling program afloat amidst budget cuts and incorporated funding for the recycling program into the 1992 SWMP. As part of the 2006 SWMP, Community Advisory Groups (CAGs) were set up to provide input to the city administration on community concerns about the new waste transfer facilities. Advocacy organizations such as NRDC, NYLPI and member organizations of OWN were represented on these committees

## **CONCLUSIONS**

The effectiveness of the environmental justice advocacy campaign is reflected in the provisions of the 2006 SWMP. Over-burdened communities will benefit from the switch to a rail and barge-based waste management system, and from provisions that ensure each borough will handle its fair share of waste. The SWMP has been approved and has received widespread support from environmental and environmental justice groups, but its implementation will not necessarily come easily, as evidenced by the continued opposition to the East 91<sup>st</sup> Street marine transfer station, as well as to the other key Manhattan facility, the Gansevoort Pier recycling center. Those who advocated for borough equity and increased recycling will have to continue to apply pressure on decision makers, utilize their expertise, and litigate if necessary. "We never mistake the difference between getting a plan enacted and thinking we've actually accomplished real on the street change," says Goldstein.

Oversight of the implementation is a long-term project. Alison Cordero, the coordinator of OUTRAGE, was happy the day the Mayor opened the waste export rail facility in her neighborhood as it will take many eighteen-wheeler trucks full of garbage off the streets, but she also notes that: "You win a big victory in 2006, but we probably won't see most of the results until 2013, so one of the big challenges is keeping people organized and interested over a 7 year period when you don't see a lot of results. At a recent meeting, one of the senior citizens who was involved in the original truck survey back in 2003-2004 said to me 'Yeah, I remember that. I remember I sat out here with Tina and checked off lots of numbers and wrote down lots of things -- so what's gonna happen?'"

## APPENDIX I - LESSONS LEARNED

Note: The following sections focus on the most salient lessons of this particular case study. As the lessons learned in the other two case studies in the series may also be applicable here, readers are encouraged to look at those cases and at the background paper *Understanding Nonprofit Advocacy*.

### *The Importance of "Framing" Debates*

Decisions about the focus of advocacy and about language used can be crucial to a campaign's success. In the 1980s, the major environmental groups in New York emphasized recycling and waste reduction, but in the 1990s waste transfer stations and the inequitable burden of waste disposal also became key issues. Largely due to the work of smaller grassroots environmental justice organizations, the larger organizations broadened their focus, reflecting both their increased understanding of, and commitment to, justice issues, but also their recognition of the need to build broader community support for their ongoing advocacy around waste reduction and recycling.

When new incineration facilities were planned as part of the solution for waste management, proponents framed the proposals in terms of the waste-to-energy advantages, while opponents spoke focused on the toxic emissions that would result and the subsequent health risks. In the continuing advocacy around recycling issues, advocates focus on the positive environmental outcomes and long-terms economic benefits, while opponents emphasize short-terms costs and cast recycling as a luxury the city simply can't afford.

### *The Importance of Coalitions*

A key strategy in the advocacy around solid waste issues was the creation of a coalition that brought together disparate groups, from national environmental organizations to small neighborhood community groups. The world of solid waste policy in New York City encompasses such a broad range of issues and interests that it was impossible for any one organization to tackle them all, so the coalition ensured that different interests were addressed by those that had the most commitment to them. All members of a coalition will not necessarily have all of the same specific goals, but the likelihood of a campaign's success increases when a range of partners can rally around a broader vision. According to Goldstein, "one of the important elements in building a successful coalition is to be able to mutually agree to set aside the differences and keep the big picture in mind and advance the big picture." The coalition helped ensure that a wide range of organizations were able to speak with one voice when it was needed.

### *Coalition Members will have Different, Sometimes Competing, Interests*

While advocacy groups that form a coalition usually share a broad vision, each group has not only its own area of expertise, but its own interests. In the case of solid waste

management in New York City, advocacy groups were fortunate that their interests generally did not clash with those of their coalition partners and that each group could support the other without compromising its own aims. But there will be differences and as a campaign evolves, some groups may end up “changing sides”, particularly as interim victories are won and some advocates may then have to defend them against former allies who have divergent interests, or against emerging groups that oppose the new situation.

The 2006 SWMP was seen as a major achievement by many advocacy groups as it would lead to a more equitable distribution of waste management facilities. But Manhattan residents living near the proposed 91<sup>st</sup> street facility formed the Gracie Point Community Council and pushed their City Council representative to oppose construction. Environmental justice advocates, who as “outsiders” had to convince the city of the merits of their ideas, now find themselves in the position of defending the SWMP and warding off the efforts of community groups opposed to the outcomes.

#### *Size and Structures Matter*

The different organizations that constituted the coalitions illustrate the range of resources and legal structures often needed to ensure successful advocacy outcomes. National environmental organizations, such as EDF and NRDC with annual operating budgets of close to \$100 million, provided the essential staffing and expertise needed for the prolonged campaigns; New York based public interest groups such as NYPLI and NYLCV were able to help manage the local political and administrative context, while small neighborhood groups and their coalitions such as OWN ensured community support and local grassroots legitimacy. Organizational forms vary, with many of the advocacy organizations using both 501(c)3 and 501(c)4 affiliates to enable them to raise funds and conduct the full range of activities necessary, while some groups remained as unincorporated coordination entities.

#### *A Range of Advocacy Activities are Required*

The advocacy work around solid waste issues demonstrated the full range of activities that are required to achieve campaign goals. Legal challenges, policy research, submissions testimony to council hearings, public awareness campaigns, street demonstrations, and participation in government advisory committees are all part of the toolkit of advocates, and even within a single strategy area different levels of work are required. The materials cited in the Appendix give some sense of the extent of the work involved in environmental justice advocacy, but they are only a relatively small sample of the outputs generated during the campaigns.

#### *There will be Competing Claims about who Achieved the Changes*

Once a change takes place, many people and organizations can claim credit. Advocacy groups insist their campaigns lead to change, while government agencies assert that the changes resulted from their own internal capacity to address problems and respond to residents’ needs. Department of Sanitation officials insist that they had been paying the appropriate amount of attention to solid waste management issues all along and that the eventual plan would have come to fruition regardless of advocacy efforts. Environmental

advocates, on the other hand, claim that the City and the Department was slow to move on the issue of borough equity at best, and neglected it altogether at worst, and that the Department was never particularly enthusiastic about recycling and waste reduction and that it dragged its feet on implementation of such initiatives.

## **APPENDIX II – SUPPORTING DOCUMENTATION AND MEDIA COVERAGE**

### **Documents**

City of New York, Department of Sanitation. *Comprehensive Solid Waste Management Plan*. September 2006. Available at: <http://www.nyc.gov/html/dsny/html/swmp/swmp-4oct.shtml>

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Environmental Defense Fund (Author: Dan Kirshner). *To Burn or Not to Burn: The Economic Advantages of Recycling over Garbage Incineration for New York City*. 1985.

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Consumers Union and Organization of Waterfront Neighborhoods (Author: Barbara Warren). *Taking out the Trash: A New Direction for New York City's Waste*. May 31, 2000. Available at: <http://www.consumersunion.org/pdf/trash%20report.pdf>

### **News Coverage - Print**

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Eddings, Amy. Waste Facilities a Blight for Brooklyn Residents. *WNYC*. December 19, 2008. Available at: <http://www.wnyc.org/news/articles/119042>.

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Gross, Courtney. *Recycling Starts and Stops*. *Gotham Gazette*. January 14, 2008. Available at: <http://www.gothamgazette.com/article/iotw/20080114/200/2405>.

Harmatz, Jeffrey. Trash Trucks in North Brooklyn are Outrageous. *Greenpoint Gazette*. October 22, 2009. Available at: <http://www.greenpointnews.com/news/trash-trucks-in-north-brooklyn-are-outrageous>

Martin, Douglas. State Cracks Down on New York City Trash Transfer Sites. *New York Times*. May 14, 1999. Available at: <http://www.nytimes.com/1999/05/14/nyregion/state-cracks-down-on-new-york-city-trash-transfer-stations.html?pagewanted=1>

Urbina, Ian. 20-Year Plan for City's Trash Entails \$340 Million Renovation of 4 Marine Transfer Stations. *New York Times*. October 8, 2004. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9806E6DE153BF93BA35753C1A9629C8B63&sec=&spon=&pagewanted=all>

### **News Coverage – Television/Video**

City Council Votes in Favor of Mayor's Trash Plan. *NY1 News*. July 20, 2006. Available at: <http://www.ny1.com/1-all-boroughs-news-content/61166/city-council-votes-in-favor-of-mayor-s-trash-plan>

City Kicks off New Rail Waste Transfer Program. *NY1 News*. April 17, 2007. Available at: <http://www.ny1.com/1-all-boroughs-news-content/68833/city-kicks-off-new-rail-waste-transfer-program>

City Residents Face-Off over Proposed Waste Management Site. *NY1 News*. June 12, 2007. Available from <http://www.ny1.com/1-all-boroughs-news-content/70659/city-residents-face-off-over-proposed-waste-management-site>

City's Trash Plan Runs into More Opposition from New York Residents. *NY1 News*. February 7, 2006. Available at: [http://www.ny1.com/1-all-boroughs-news-content/top\\_stories/?SecID=1000&ArID=56935](http://www.ny1.com/1-all-boroughs-news-content/top_stories/?SecID=1000&ArID=56935)

Senator Lanza Addresses the Issue of Waste Management. Available at: <http://www.youtube.com/watch?v=66ZmAVmkwiQ>

Trash Hits the Tracks in Brooklyn. *NY1 News*. March 10, 2009. Available at: <http://www.ny1.com/1-all-boroughs-news-content/95297/trash-hits-the-tracks-in-brooklyn>

**Additional Documentation on Waste Reduction and Environmental Issues**

Marjorie J. Clarke, a professor at Hunter College and an environmental activist who was a key participant in many of the events covered in this case study has a website *Why Waste NYC?* with copies of testimonies, audio files and other documentation about waste reduction issues at: <http://www.maggielclarkeenvironmental.com/>

### **APPENDIX III –DESCRIPTION OF ADVOCACY ORGANIZATIONS AND COALITIONS HIGHLIGHTED IN THE CASE STUDY**

The following descriptions provide additional information about the organizations and coalitions highlighted in this case study.

#### **Environmental Defense Fund (EDF)**

<http://www.edf.org/>

Since its inception in 1967, the Environmental Defense Fund has used science, economic incentives, corporate partnerships, and legal expertise to tackle the most serious environmental issues. Their advocacy efforts have influenced corporate behavior and Congressional legislation.

EDF is a 501(c)(3) public charity and also operates the Environmental Defense Action Fund, a 501(c)(4) civic league. Their headquarters in New York City, 10 regional offices around the US and one regional office in Beijing are home to hundreds of employees. Operating expenses for 2008 for EDF were \$97,004,298 and for the Action Fund \$9,245,557.

#### **Natural Resources Defense Council (NRDC)**

<http://www.nrdc.org/>

Founded in 1970, The Natural Resources Defense Council has become one of the nation's most powerful environmental groups. Combining the use of litigation with the support of 1.3 million members and online activists, they strive to safeguard the earth's people, planets, animals, and natural systems. Within seven program areas – Air & Energy, Health, International, Land, Nuclear, Urban, and Water & Coastal – they engage in critical environmental battles all over the world. Their work has led to the passage of local and federal legislation banning harmful substances, improving environmental standards, and preserving natural landmarks.

NRDC is a 501(c)(3) public charity and also operates the NRDC Action Fund, a 501(c)(4) civic league. It has a staff of more than 300 lawyers, scientists and policy experts in offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing. Operating expenses for NRDC for 2008 were \$85,698,623 and for the Action Fund \$1,384,879.

#### **New York City Environmental Justice Alliance (NYC-EJA)**

<http://www.nyc-eja.org/>

Founded in 1991, the New York City Environmental Justice Alliance is a citywide network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. NYC-EJA seeks to empower its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens. NYC-EJA was incorporated as a 501(c)(3) public charity in 1995. It is currently undergoing a re-organization, under the direction of its Executive Director Eddie Bautista.

**New York Lawyers for the Public Interest (NYLPI)**

<http://www.nylpi.org/>

New York Lawyers for the Public Interest is a nonprofit, civil rights firm that partners with member law firms, corporate law departments, and other organizations to help underrepresented people develop legal strategies to serve their vision for themselves and their communities.

NYLPI is a 501(c)(3) public charity that has 30 full-time employees and a small group of part-time employees and volunteers. Operating expenses for 2008 were \$4,474,765.

**New York League of Conservation Voters (NYLCV)**

<http://www.nylcv.org/>

The New York League of Conservation Voters advocates for sound environmental policies and seeks to elect pro-environment candidates who will adopt and implement those policies. It is affiliated with The New York Conservation Education Fund which fosters open, non-partisan discussion on environmental policy and empowers New Yorkers to participate in environmental protection efforts in their communities through candidate debates, public educational forums, and the publication of citizens' guides to key environmental issues.

The New York League of Conservation Voters is a 501 (c)(4) organization, while the New York Conservation Education Fund is a 501(c)(3) public charity. Operating expenses for 2008 for the New York League of Conservation Voters were \$781,175 and for The Education Fund \$509,147.

The New York League and the Fund constitute the local chapter of a national federation of Leagues and Funds, which has its national headquarters in Washington DC and chapters in 34 states, with a combined operating budget of around \$40 million.

**Organization of Waterfront Neighborhoods (OWN)**

**(no website)**

The Organization of Waterfront Neighborhoods is a citywide community-based coalition formed in 1997 to address the common threat to New York City neighborhoods presented by solid waste transfer stations. The coalition's members, over 20 community-based groups from the neighborhoods of Greenpoint, Williamsburg, South Bronx, East N.Y., Red Hook, Sunset Park, Southeast Queens, Washington Heights and Harlem have joined together in an effort to find an equitable and environmentally sound solution to waste handling in New York City.

OWN is a coalition of organizations that speaks with the collective voice of its members. It is not an incorporated or registered organization and does not have a separate legal identity (although many of the community-based groups it represents are registered). The administrative capacity of OWN has been housed in the offices of NYLPI.

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