

**STATEMENT OF
BENJAMIN HARVEY, PRESIDENT
E. L. HARVEY & SONS INC.**

**ON BEHALF OF
THE NATIONAL WASTE & RECYCLING
ASSOCIATION**

**REGARDING
“EVERY LIFE COUNTS: IMPROVING THE SAFETY OF
OUR NATION’S ROADWAYS”**

**BEFORE THE
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, SUBCOMMITTEE ON HIGHWAYS
AND TRANSIT**

U.S. HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Good morning, Chairman Holmes Norton, Ranking Member Davis, and Members of the Committee. My name is Benjamin Harvey and I am the President of E. L. Harvey & Sons Inc. located in Westborough, Mass. E. L. Harvey & Sons is a full-service waste and recycling firm that provides services for commercial and industrial corporations and municipalities throughout eastern Massachusetts, New Hampshire, Rhode Island, and Maine. My company is a member of the National Waste & Recycling Association, also known as NWRA, which I am representing before the committee today in my capacity as the association's chairman.

NWRA is the voice in the nation's capital for the private-sector waste and recycling industry that is essential to maintaining the quality of American life. The delivery of waste and recycling services impacts all residential, commercial, and industrial properties on a daily basis. Apart from the U.S. Postal Service, the waste and recycling industry is one of the few, if not the only other, that travels on every roadway in the country at least once each week.

Association members operate in all 50 states and the District of Columbia and can be found in most, if not all, U.S. congressional districts. Waste and recycling facilities number nearly 18,000 scattered throughout the U.S., mirroring population centers. Our nearly 700 members are a mix of publicly-traded and privately-owned local, regional, and Fortune 500 national and international companies.

The industry directly employs about 420,000 people as of early 2018 with a total payroll of more than \$21 billion. It is estimated that the private sector waste and recycling industry accounts for over one million jobs and generates nearly a quarter of a trillion dollars in U.S. GDP.

Tens of thousands of these hard-working men and women in the waste and recycling industry become vulnerable road users everyday as part of their job. The Bureau of Labor Statistics (BLS) has named the waste and recycling collector as the fifth most dangerous occupation (2018).¹ In 2017, "Waste and Recycling" had 33 fatalities, of which 23 were transportation related.²

Safety is the number one value for the waste and recycling industry. The goal each day is for every worker and driver to go home safely at the end of their shifts, without a crash, injury or fatality. Our work is focused on making collection, processing, and disposal operations less dangerous by encouraging safety training as well as providing assistance in complying with regulations and company safety rules and policies.

Despite these industry efforts, distracted driving by motorists with whom we share the road puts waste and recycling drivers and workers at risk every day. Many of the transportation related fatalities were caused by inattentive or distracted drivers who failed to yield to waste and recycling collection vehicles. Most of the time, the danger is the same as that experienced by police officers, fire fighters, and tow truck drivers who are stopped along the side of the road.

The private sector of the waste and recycling industry has a commercial motor vehicle (CMV) fleet of more than 100,000 collection trucks and an even greater number of CMV Drivers. These trucks are primarily Heavy-Duty Vehicles as defined by the Federal Highway Administration

¹ <https://www.bls.gov/iif/oshwc/cfoi/cfch0016.pdf>

² Ibid

(FHWA) with a GVWR of more than 26,000 pounds. The industry's fleet includes, but is not limited to, waste and recycling collection trucks, roll-off trucks, post collection tractor trailers, container delivery, and grapple trucks.

The waste (garbage, trash, solid waste) and recycling (paper, plastic, aluminum, metal, compost) collection trucks that service nearly every American household and business are the most recognized part of the industry's fleet. Although waste and recycling collection trucks are virtually identical in most respects, they are significantly different in the means by which the material is emptied into the cargo area (e.g. rear-, front-, automated side-load, etc.).

According to FHWA's 2016 Freight Quick Facts Report, "Waste/Scrap" is the tenth largest commodity by tonnage shipped in the U.S. The industry's truck operations moved 92 percent of the 652.9 million tons transported by all modes in 2015.

Assuming that two-thirds of the industry's trucks are in use on any given workday, that means approximately 70,000 workers are exposed to dangerous driving situations, such as distracted driving, each workday.

According to the National Highway Traffic Safety Administration (NHTSA), distracted driving is "any activity that diverts attention from driving, including talking or texting on your phone, eating and drinking, talking to people in your vehicle, fiddling with the stereo, entertainment or navigation system—anything that takes your attention away from the task of safe driving." It is estimated that during daylight hours approximately 481,000 drivers are using handheld cell phones while driving, creating significant potential for injury or death.

NHTSA reports that 3,450 people were killed by distracted drivers in 2016 and 562 of these fatalities were not occupants of a vehicle but rather pedestrians, bicyclists, and others including waste and recycling industry employees. In 2015, distracted drivers were responsible for 391,000 injuries in motor vehicle crashes. Teens were the largest age group reported as distracted at the time of fatal crashes.

Driving requires the full attention of motorists. Texting in particular poses a danger since sending or reading a text takes one's eyes off the road for an average of 4.6 seconds. Traveling at 55 MPH while texting is the equivalent of driving the length of a football field with your eyes closed.

NHTSA is engaged in several efforts to educate Americans about the dangers of distracted driving including public service announcements, social media campaigns, "Distracted Driving Awareness Month" every April, and partnerships with state and local police departments to enforce laws against distracted driving.

These law enforcement officials are also undertaking the difficult task of enhanced enforcement of distracted driving laws. This is complicated by the need to observe the offense before making a traffic stop since, unlike with impaired driving, the prohibited behavior has typically ended once a driver is pulled over.

So far, 23 states have enacted “Move Over” laws that cover waste and recycling workers. The statutes vary from state to state, but the laws generally require drivers to slow down and yield to collection vehicles, especially when the operator is emptying a cart or walking back to the truck. “Move Over” laws are saving lives by requiring drivers to exercise caution and avoid distractions when they are approaching a collection truck.

NWRA has been at the forefront of efforts to expand state “Move Over” laws to include “amber lighted vehicles” such as waste and recycling, tow trucks, and other similar industries. However, these laws are only effective if the motoring public knows about and law enforcement enforces them.

A 2014 incident in central Florida involving an NWRA-member company is a perfect example. One of their collection workers was injured by a car and the law enforcement officer did not issue a citation to the driver of the vehicle, despite Florida’s recently expanded “Move Over” law. When the company’s safety director asked for the “Move Over” law to be invoked, the officer stated he did not know about the statute, nor did the command staff of that department. This shows the need to educate both law enforcement and the public about the necessity to move over as well as the consequences of not moving over. NWRA is confident that this situation is not an isolated event.

NWRA urges Congress to use federal infrastructure legislation or surface transportation appropriations as a vehicle to enact incentives for states to adopt “Move Over” laws that include waste and recycling collection workers similar to the incentives it uses to encourage states to set and keep their legal drinking age at 21 years old. This is an opportunity for Congress to make a real difference in improving safety with minimal effort and no additional cost.

Thank you for your consideration of our position. We look forward to working with the committee to improve the safety of our nation’s highways. I will be happy to respond to any questions that you may have.