

**TESTIMONY BEFORE THE COMMITTEE ON HEALTH OF THE CITY COUNCIL OF  
NEW YORK**

OF: Eddie Albert, President, Prospect Park Baseball Association, Brooklyn, NY  
DATE: June 28, 2016  
RE: Amendment to 4-209 of the Administrative Code of the City of New York

Thank you for allowing me to address this Committee.

I am Eddie Albert. Over the past 21 years I have served as a coach, board member, and officer of the Prospect Park Baseball Association (PPBA). Currently I am its President.

We applaud the Council for turning its attention towards the safety of our children who participate in baseball, and in particular to assist in the dissemination and use of defibrillators. However, while I support the intent of this law, I believe it is overboard, may be impossible to administer as currently written, and could result in making baseball less available to our children.

Although the purpose of this hearing is to discuss an amendment to the law, I am asking that, based on what I have to present, the Committee recommend to the Council that, at the very least, it votes to toll the operation of the law to allow time to reconsider certain of its aspects.

I believe that some background about the realities of youth baseball in this city is in order:

Playing youth baseball is constrained by many factors: access to fields, how well the fields are maintained, the lack of field storage for field and team equipment, the difficulty to find parking at the fields, and the financial realities that require most to be run by parent volunteers and perform limited administrative functions, just to name a few. With regard to access of the fields, for leagues to operate with any certainty they must obtain permits from the Park Department that cover their season.

In the context of this law, the realities of field permitting is extremely important to understand because the law imposes an obligation on youth baseball leagues based on what I believe is an assumption that there is a direct relationship between a league and its control of the fields on which it plays. From my experience, that is often not the case.

Many youth and adult organizations and public and private schools are granted baseball/softball field permits. In most cases, those permits are shared so that on any given day the times of use on any single field will be divided among the permit-holders. Most importantly, not all permit-holders are leagues. Many are simply youth sports organizations that place their teams in leagues, and those involved share their permits. In fact, most permit-holders don't have enough children in their immediate neighborhood to create a threshold numbers of teams in each age group to run a league. As a result

some leagues don't even have permits in their own name; they rely on the permits of the participating youth organizations. (Baseball Field permits only require that "games" be played on the permitted field.) In many cases only one of the permit-holders runs the league. It is in fact a very practical way to deal with the realities of an ever-shifting population and the instability of organizations that depend completely on volunteers.

This may be best understood by looking at my league:

The Prospect Park Baseball Association is one of the largest youth baseball and softball organizations in the city. It draws its participants from neighborhoods all around Prospect Park – west to Brooklyn Heights, Cobble Hill, and Carroll Gardens, south and west to Sunset Park and Bay Ridge, and east to Bensonhurst, and all neighborhoods in between.

In fact, the PPBA is a union of eight community organizations.

- 78th Precinct Youth Council
- Brooklyn Angels
- Camp Friendship
- Holy Name Fathers Guild
- Immaculate Heart of Mary
- Our Lady of Guadalupe
- South Brooklyn Baseball League
- St Francis Youth Sports

The PPBA is a completely volunteer organization with no staff. It holds some of the permits, it makes and enforces the rules, and it contracts out the schedule-making and umpires. It relies on the member organizations to obtain and register the players, to supply the uniforms and equipment, to obtain the coaches, and to supply the balance of the fields through their permits.

Some facts about the PPBA from this past, 2016, spring season (April through June):

About **2,507 boys and girls** ages 4 -17 year olds participate

On **206 teams**: 185 Baseball, 21 Softball

**Coached by a total of 618 adult volunteers**

**69 of the Teams are composed of 4-7 year olds** that play using **soft safety ball** where **coaches pitch** on their knees to the players

**22 of the teams are composed of 8 year olds** that also play using a **safety ball** where the **players pitch**

A total of almost **2,000 games** are played during the 10 week season: 103 each weekend and 93 during the early evenings from Monday through Friday each week.

PROSPECT PARK BASEBALL ASSOC-2016				
AVER				
AGE	TEAMS	TM	TOTAL PLAYERS	TOTAL COACHES
<b>BASEBALL</b>				
4-7 yo	69	14	966	207
8yo	22	14	308	66
9-10 yo	39	13	507	117
11-12yo	24	13	312	72
13yo	14	13	182	42
14yo	6	13	78	18
15-17yo	11	14	154	33
	<u>185</u>		<u>2507</u>	<u>555</u>
<b>SOFTBALL</b>				
8-10 yo	7	14	98	21
12-13 yo	7	14	98	21
14-16 yo	7	14	98	21
	<u>21</u>		<u>294</u>	<u>63</u>

(Included are some 78th Precinct Youth Council teams that play independently but share the fields under similar permits)

The PPBA uses **22 fields** in Brooklyn to play its games. Except for one (which is church property), those fields are under permits issued by the Parks Department to the PPBA or separately to the member organizations that may or may not use certain time slots for the PPBA. Note that <sup>almost</sup> more than half of the permits used to run the league are not held by the PPBA but by their member organizations.

LOCATION	NUMBER OF FIELDS AT LOCATION	AGE THAT USES THE FIELDS	PERMIT HOLDER
Prospect Park	10	4-17yo	PPBA
Parade Grounds	2	9-12yo	PPBA
Dewey	1	9-12yo	BROOKLYN ANGELS
DiMattina	1	9-12yo	SOUTH BROOKLYN BASEBALL LEAGUE
Holy Name	1	4-8yo	CHURCH PROPERTY
Dust Bowl1	1	9-12yo	BROOKLYN ANGELS
Dust Bowl2	1	9-12yo	BROOKLYN ANGELS
Van Voorhees	1	8-12yo	78th PRECINCT YOUTH COUNCIL & SOUTH BROOKLYN BASEBALL LEAGUE
Bensonhurst 2	1	9-12yo	OLD LADY OF GUADALUPE
Bensonhurst 3	1	9-12yo	OLD LADY OF GUADALUPE
Washington Park	1	8yo	78th PRECINCT YOUTH COUNCIL
Bush Terminal 1	1	14-17YO	78th PRECINCT YOUTH COUNCIL & BROOKLYN ANGELS
	<u>22</u>		

On any given day, a field may be used by different PPBA age groups at different times; and the same field may be used by a completely different league (such as adult softball) under a different permit.

Hence while the PPBA is among the largest leagues of this type, many of the other youth baseball leagues, though smaller, operate in a similar fashion. As previously noted, very few permit-holders have enough teams in each different age group to run a self-contained league.

With that background, I would like to address two issues:

**1/ The amendment being proposed**

As I understand it, the proposed amendment attempts to clarify that a league is exempt from the requirements of the law if that league does not receive a defibrillator from the city. If this is indeed the intent, I would respectfully ask that the Council make the law clear, that Leagues are authorized to lease fields and can hold games and practices when they are not allocated defibrillators. In other words, the law should specifically state that **being exempt from the obligations of this law should not impair the ability of a youth baseball league to obtain a Parks Department baseball field permit.**

How to determine if a league should be exempt is yet another question that requires more specific guidance.

**2/ That the Council carefully reconsider the efficacy of the law and delay its implementation so that the Council can work with leagues to address some of the concerns I raise below.**

I have serious concerns that, even if enough defibrillators were made available to all the city's youth baseball leagues, it will be possible to have one at every game and practice when virtually all of the teams are run by volunteer parent coaches.

In addition, since the passage of the law there appears to be new protective gear technology on the horizon soon to be released that promises to be a more comprehensive and easily implemented solution.

With respect to implementing this law: How can a league that has over 200 teams, that plays almost 2,000 games on 22 fields, manage to have defibrillators at every game?

In his testimony before this Committee in October of 2015, Assistant Commissioner of Compliance, John Luisi, made it clear that the Parks Department was only capable of managing the use of defibrillators in "Parks-managed facilities." Managing their use on the remaining 450+ fields was yet another story:

We do not believe that installing AEDs in outdoor cabinets at over 450 Parks ballfields would be the most effective way of accomplishing our shared goal of ensuring that such devices are easily accessible and in the hands of trained individuals at the time of an emergency. Fixed-post staff is not necessarily present at a NYC Parks ballfields during instances of league play, so we would not be able to guarantee the presence of AED-certified Parks personnel during games. Since the devices need to be readily available in an unlocked case, securing the devices would also be a significant concern, and they would be exposed to potential theft or misuse. Further, providing daily inspections, as mandated by State Law, for an additional 450 AEDs dispersed throughout the city would be a tremendously difficult burden. Lastly, AED manufacturers recommend that the device must be stored between 32 and 110 degrees Fahrenheit, so we would be concerned about exposure to extreme heat or cold in an outdoor cabinet.

Unfortunately his solution, which was adopted by the Council, was to pass the responsibility to volunteer parents who have to carry much of the team's equipment to every game, have to locate difficult to find parking, and have to manage the behavior of thirteen or more youths both on the field and on the bench (where other possible safety hazards lurk – such as errant bat swinging). I am certain that coaches will balk at having to be responsible for a piece of equipment you value at \$2,500, particularly in the context of the usual mayhem that accompanies having to coach a youth team.

The vast majority of the practices and games are coached by volunteer parent coaches who rotate between themselves depending on their busy schedules. To be frank, even if we were provided a sufficient number of machines, I don't know how we would be able to make sure that they are at the right games and practices due to the shifting nature of parent volunteers, field availability, and weather conditions.

So what are the possible implementation options facing the leagues, the Parks Department, and this Council?

**Option 1: Give a defibrillator to every coach.** That would mean an expenditure by the city of over \$4 million (assuming the defibrillators are only \$2,000) for just the PPBA head coaches alone.

OR

**Option 2: Assign a defibrillator to every field and lock it in a secure box at each field.** That sounds good in theory, but Mr. Luisi clearly delineates obvious issues with this approach. In addition, the Parks Department will generally only allow storage boxes at a field if all the permit-holders of that field have access to the box. In that case, those unaffected by this law, such as soccer and adult leagues, will have access to the box containing the defibrillator at many fields. What is the likelihood that the defibrillator will be there when needed? Extremely low.

OR

**Option 3: Assign a defibrillator to every field and rely on the coaches to pass them to each other between games AND practices.** The likelihood that that will work is extremely low, particularly since most coaches are volunteer parents with jobs and families and have barely enough time to hold practices and get to the games on time. Asking them to be trained and then pass them to another coach, sometimes twice a

week, is highly impractical. While they may have schedules to consult, most leagues do not update published schedules in the event of cancellations due to rain or forfeits. Determining to which coach the machine should be passed will be highly problematic. All of this assumes a level of scheduling competence and communication that is very rare among these volunteer-run leagues.

While the PPBA is large, these options are relevant to leagues of all sizes.

\* \* \*

While no sport is risk free, baseball is one of the safest of youth sports (the rate of catastrophic injuries is very low – approximately 1 injury per 1 million participants per year) – and it is getting safer every year (as with the adoption of a wood bat only policy for hardball games by my league and many others in the city).

I want to reiterate how important player safety is to us. In fact, since most of our coaches are parents themselves, you can imagine how seriously they take this issue. But while I share the goal of this law, I don't know that we can be implemented as currently written. Unlike school baseball leagues, it simply won't work in the context of independent youth organizations that use so many fields that have no Parks personnel present during games and practices. What is mostly likely to happen is that machines will be lost or stolen and in the process an underground market for these machines will be fed. I also believe that since many defibrillators will "disappear," assessing fines to the organizations will put most of them out of business. **If enforced as written, I believe that this law is destined to have a chilling effect on youth baseball in the city.**

Is that what the Council wants to happen?

Of course, I, and my organization, care greatly about the safety of our children. But this law, while well intentioned, is overboard, impossible to implement, and will have a chilling effect on youth baseball.

The law makes great sense when managing the availability and use of the defibrillators is realistic – such as for school leagues where the equipment is stored in the schools and handled by one or two coaches and the velocity of balls batted and thrown are the greatest. But that is not the case with independent youth baseball leagues, particularly where there is likely to be no risk, namely safety balls pitched by coaches from their knees for 4 to 7 year olds.

Unfortunately, there is literally no scenario I can think of that would allow us to meet the intent of this law as it is currently written. And in this hyper litigious society I believe the law is destined to deter adult involvement in a sport that provides so many benefits to our youth.

Finally, there appears to be a significant change in effective gear that will protect against Commotio Cordis. At the time of the passage of this law, medical journals saw little

efficacy in the then currently used protective equipment. Recently, however, the March 24, 2016 issue of the *Clinical Journal of Sport Medicine*, the April 22, 2016 issue of *Sport Techie* and the April 19, 2016 edition of *MarketWired.Com* reveal new technology in chest protectors that shows great promise: "Testing results concluded that HART protectors are up to 95% effective in preventing the onset of Commotio cordis."

([http://journals.lww.com/cjsportsmed/Abstract/publishahead/Development\\_of\\_a\\_Chest\\_Wall\\_Protector\\_Effective\\_in.99571.aspx](http://journals.lww.com/cjsportsmed/Abstract/publishahead/Development_of_a_Chest_Wall_Protector_Effective_in.99571.aspx)

and

<http://www.sporttechie.com/2016/04/22/researchers-find-first-chest-protector-effective-commotio-cordis/>)

and

<http://www.marketwired.com/press-release/unequal-technologies-hart-chest-protector-technology-first-be-proven-effective-significantly-2116210.htm>

**I ask the Committee to recommend to the Council that it toll the implementation of the law and meet with me and other league Directors so we can work together to develop a practical solution to further increase player safety. Together we can develop a more balanced approach to safety and practicality.**

Youth Baseball improves lives by taking kids 'off the streets' and by giving them a healthy outlook and plenty of good mentors and leadership opportunities. It provides a very valuable experience in being a group member - by learning roles, by learning about competition, and by learning how to win and lose.

Please give serious thought to reconsidering the law. As written I believe that it will have a chilling effect on the future of youth baseball in the city and I hope we can work together to address this issues have I outlined.

If however a re-evaluation of this law is not the road the Council wishes to take, I request that it please consider amendments in the following areas:

- 1/ Limiting the need for defibrillator to be at games only – not practices, and**
- 2/ Limiting the requirement for only games where hardballs are used, thus not for games of 4-8 year olds in which safety balls are used, and**
- 3/ Limiting implementation of the law to fields that are Parks-Managed facilities where Parks Department personnel are on site and responsible for providing defibrillators when needed, such as the Parade Grounds, and**
- 4/ If implementation is required for non-Parks managed fields, providing funding to those league-permit holders to pay people to manage the administration of this program based on the number of machines allocated to such organizations.**

Thank you for giving me this opportunity to address this Committee on these issues and I hope you will accept my recommendation to reconsider the law and work with those intimately involved with running the leagues to come up with more practical solutions.

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/28/16

(PLEASE PRINT)

Name: JOHN LUISI

Address: \_\_\_\_\_

I represent: AT NYC PARKS

Address: 830 5th Ave 1065

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Date: 6/28/16

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Name: Eddie Agher

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