

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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April 29, 2015
Start: 1:11 p.m.
Recess: 4:08 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: Donovan J. Richards
Chairperson

COUNCIL MEMBERS:
Stephen T. Levin
Costa Costantinides
Rory I. Lancman
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

John Lee
Director for Building and Energy Efficiency

Mark Silberman
General Counsel of the Landmarks Preservation
Commission

Michael Gilsean
Assistant Commissioner for Environmental
Compliance

Rick Muller
Director of Legislative Affairs and
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Ali Davis
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Jay Peltz
Food Industry Alliance of New York

Deborah Brown
Chief of Staff at River Keeper

Susan Elbin
NYC Audubon

Lisa DiCaprio
NYU Professor of Social Sciences

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United for Action

A P P E A R A N C E S (CONTINUED)

Susan Harder
International Dark Sky Association

Catherine Skopic
People's Climate Movement NYC

Kim Fraczek
Sane Energy Project

Anne Lazarus
Sane Energy Project

Ken Gale
NYC Safe Energy Coalition

Delphine Batho
Former French Prime Minister of Sustainability

James Karl Fischer
Zoological Lighting Institute

Mary Ellen Cronly [sp?]
United for Action

Gayle Clymer [sp?]

David Karpen
Engineer

Mav Moorhead
DCS and NYH2O

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2 CHAIRPERSON RICHARDS: Alrighty, this
3 hearing is about to begin in a few minutes, so we're
4 going to ask everybody to have their seats.
5 Alrighty, and I just would like to acknowledge my
6 colleagues are here, Council Member Rory Lancman and
7 also my colleague from the Rockaways, Council Member
8 Eric Ulrich. Alrighty, good afternoon. I am Council
9 Member Donovan Richards, Chair of the Environmental
10 Protection Committee, and today the committee will
11 hear Intro Number 578, a Local Law to amend the
12 administrative code of the City of New York in
13 relation to limiting nighttime illumination for
14 certain buildings. At night, thousands of buildings
15 burn commercial lighting when it is not needed and
16 where their stores and offices are closed. The
17 practice contributes to air pollution, light
18 pollution, harm to the other species, and often
19 diminishes the view of the night sky and stars, for
20 you star gazers. While zoning in some areas mandates
21 that illuminated billboards be maintained, like the
22 Great White Way Broadway and 42nd Street, in most
23 places that is not the case. Many businesses also
24 think that burning lights at night provides added
25 security, but the United States Department of Energy

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and the United States Department of Justice have not found strong evidence that increased or existing lighting prevents crime at night. In December 2014, Local Law 66 was enacted, which requires New York City to reduce its citywide greenhouse gas emissions by 80 percent relative to 2005 levels by the calendar year 2050. According to the most recent inventory of New York City greenhouse gas emissions, the city's more than one million buildings are responsible for approximately 70 percent of citywide emissions due to their use of electricity, heating fuel, natural gas steam, and biofuel. As a majority of existing buildings are expected to remain in existence well beyond 2050, existing buildings present a prime opportunity for greenhouse gas emission reduction measures, and it is necessary for the city to significantly reduce emissions from its building sector to comply with the local law. According to the Mayor's Office, in New York City's pathways to deep carbon reductions, lighting in non-residential buildings accounts for almost 14 percent of the city's carbon emissions, and there is great potential to reduce this amount of emissions. Lighting efficiency and control measures alone could reduce

1 citywide greenhouse gas emissions by 4.2 percent of
2 total 2005 emissions. On April 22nd, 2015, Mayor de
3 Blasio unveiled his comprehensive sustainability plan
4 for the city entitled One New York City, which
5 includes mention of an initiative to reduce light
6 pollution from large buildings at night. This mayoral
7 document states that the administration will work
8 with the City Council to pass legislation that
9 reduces energy wasting light pollution from large
10 buildings. Reducing commercial building lighting at
11 night for environmental benefits is a step already
12 taken in France, where in January 2013 the French
13 Minister of Ecology Sustainable Development and
14 Energy issued a decree restricting lighting of non-
15 residential buildings to reduce light pollution and
16 energy consumption effective July 1st, 2013. The
17 French orders applies nationwide including in Paris,
18 the so-called city of lights. And the fine per
19 violation is 750 euros, approximately 805 dollars and
20 50 cents in US dollars. Preliminary data shows a
21 nine percent reduction energy use in France as a
22 result of this decree. A reduction in energy use of
23 this magnitude for New York City would be huge. And
24 I travel to Paris last year, and I got to see the
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lights off myself. In addition to reducing greenhouse gas emissions, there's evidence that suggests that limiting artificial nighttime lighting would also benefit wildlife and human health. This is because generally wildlife, including insects, amphibians, birds, mammals, and flora function based on a daily or annual rhythm that corresponds to the cycles of daylight and darkness, as well as other factors. Animal activities that are regulated by the length of day include migration, hibernation and procreation. For example, experiments and studies have found that some male black birds did not develop reproductive organs when they were exposed to light at night for two years. Humans can experience a variety of health problems when exposed to light at night that alters their circadian or daily biological cycles. Artificial lighting at night can repel nesting female sea turtles and interfere with the orientation of hatching as they traverse from nest to sea. Constant light disorients Monarch butterflies as they navigate migration routes. Frogs state mating activity during night football games when the lights from a nearby stadium increase sky glow. Song birds that migrate at night are attracted to sources

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of light such as urban centers, especially during overcast or foggy weather conditions. Millions of migrating birds per year in the United States and Canada are killed when they collide with lighted towers and wires, and there's indicate that exposure to light at night may be associated with the risk of developing breast cancer in women. I also want to add that the Governor of this state has also just enacted an illumination ban on state buildings, because of the birds as well, just as of yesterday. If enacted, New York City would be the largest city in the world and nationwide to address energy waste from light pollution at night, and would be internationally known for its judicious and tasteful use of lighting when needed. This legislation prohibits the illumination and night of the exterior or interior of a building whose main use or dominant occupancy is classified in Group B, businesses, or M, mercantile of the New York City Building Code. The bill provides exceptions to the above mentioned limit on nighttime illumination in some buildings, including exceptions for small stores as defined in Section 20-910, certain landmark buildings that are in significant part of the city's skyline, special

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circumstances wherein night security lighting is established to be necessary in a building, buildings that are occupied at night, buildings whose exterior or interior are required to be illuminated at night by law, rule or the New York Zoning Resolution. Storefront display windows containing temporary seasonal displays may be illuminated until midnight, or the last--or until the last individual within the building exits in store front display windows where illumination does not exceed a certain level. The bill imposes a civil penalty of 1,000 dollars per violation upon the owner or operator of any building found to be in violation of this section. Finally, the bill provides that the Department of Environmental Protection is responsible for enforcing these provisions. Now, we will hear from the Administration, and I will call up Michael Gilsenan, I hope I didn't mess your name up too bad. Next we will hear from John Lee, call him up, from the Mayor's Office of Sustainability and also the Deputy Director for Building and Energy Efficiency, and Mark Silberman, the General Counsel of the Landmarks Preservation Commission. And I will have our great Counsel, Samara Swanson [sp?], swear you in.

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COMMITTEE ON ENVIRONMENTAL PROTECTION

SAMARA SWANSON: Can you please raise your right hand? Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today?

UNIDENTIFIED: Yes.

UNIDENTIFIED: Yes.

CHAIRPERSON RICHARDS: Alright, you may begin.

JOHN LEE: Thank you.

CHAIRPERSON RICHARDS: Welcome.

JOHN LEE: Thank you. Good afternoon, Chair Richards and members of the committee. I am John Lee, Deputy Director for Buildings and Energy Efficiency in the Mayor's Office of Sustainability. Thank you for the opportunity to testify today on Introduction 578 in relation to limiting nighttime illumination for certain building. I'm joined by Mark Silberman, General Counsel of the Landmarks Preservation Commission and from the Department of Environmental Protection, Michael Gilsenan, Assistant Commissioner for Environmental Compliance, and Rick Muller, Director of Legislative Affairs and Correspondence. The Mayor and the Office of Sustainability applaud Speaker Mark-Viverito, Council

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Member Richards and the City Council for addressing this important effort to curb energy waste and restore our night skies. Just last week on Earth Day, the Mayor set forth One New York, the plan for a strong and just city. Through this plan our city will build upon our global leadership in growth, sustainability and resiliency and embrace equity essential to that work. One NYC is a blueprint for the New York City we want our children to inherit. The actions we take now will ensure we have a healthy environment, a dynamic increase of economy, more affordable housing, and infrastructure that is reliable and resilient. The initiatives of the plan address every aspect of life in New York City, how we live, work, learn and play, and achieving these goals need innovative solutions. As part of the One NYC goal to become the world's most sustainable large city and to fight against climate change, the plan calls for reducing light pollution from buildings at night. Light pollution exists in every borough, but is worse in dense urban districts. Light pollution affects the quality of life for New Yorkers as well as animals and particular birds. The Hudson River is one of the most important migratory flyways in North

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2 America, and light pollution can throw off birds and
3 other animals who look for cues to stay on the
4 course. In addition, lights that are left on in empty
5 office and retail spaces at night waste electricity
6 and contribute to greenhouse gas emissions. Mayor de
7 Blasio, last September, announced that we will cut
8 our greenhouse gas emissions 80 percent by 2050 and
9 reducing unnecessary lighting would help us meet that
10 goal. As a result, the Mayor's Office of
11 Sustainability is pleased to testify in general
12 support of the intended goals of Introduction 578. In
13 that spirit, we would like to offer some initial
14 suggestions that would help make the bill more
15 workable and effective. The comments I'm presenting
16 today represent the initial thoughts of the Mayor's
17 Office and city agencies in the service of New
18 Yorkers. We're looking forward to hearing and
19 reviewing the testimony of other important
20 stakeholders to ensure that we fully understand their
21 concerns. The bill, as introduced, places the
22 specific restrictions and requirements along with
23 enforcement authority within the regulations of the
24 Department of Environmental Protection. The Mayor's
25 Office is working across multiple city agencies to

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determine who would be most effective in carrying out oversight and enforcement. We look forward to working with the city agencies and counsel to properly address and to assign oversight enforcement authority to ensure the intended results of this bill. Second, the bill as introduced would place civil penalties against building owners for violations of wasteful lighting in unoccupied spaces. However, in many instances in these buildings it is the commercial tenants who control their own lighting. As a result, the legislation as currently drafted may place an undue burden upon building owners who may not have direct control over tenant activities. We would like to work with the council to assign penalties appropriately. We also must ensure the bill strike the right balance between these laudable [sic] environmental goals and adequate lighting as a deterrent against crime. Adequate lighting also supports the efficacy of surveillance cameras, both as a deterrent and as helpful evidence in criminal investigations, as well as allows police officers responding to building alarms or other calls for service to better observe the conditions they face. We welcome a continuing discussion regarding

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the ability of a property owner to help ensure the safety of his or her premises in the surrounding area without requiring special permission or showing of special circumstances. Lastly, the Mayor's Office and agencies have identified technical issues regarding the use classification of buildings subject to the law and the specifications for acceptable store-front display window illumination. The use groups identified in the proposals are limited to buildings that are classified as business and mercantile. We believe we should study whether other occupancies should be included, such as assembly, which includes theaters and large restaurants. In addition, we should also examine whether the requirements should apply to office or retail spaces that are within buildings of another classification such as residential. For example, as currently written, a grocery or pharmacy in a ground floor retail space of a residential building would be excluded from the requirements in the current form of the bill. We believe these issues can be adequately addressed to achieve the needed results and limit wasteful light pollution. Thank you for the opportunity to testify on this important legislation.

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We share your goals to reduce light pollution and cut down greenhouse gas emissions. We look forward to working with you to do all we can to ensure the legislation takes into account safety, effectiveness and operational efficiency. I'm happy to answer any questions that you may have at this time.

CHAIRPERSON RICHARDS: Thank you so much, Mr. Lee, and I'm very grateful to the Mayor who certainly has been supportive of the environment, but also released such a great plan last week in which we stood with him and certainly are in support of and very happy to see that we're moving forward on this bill. So, I wanted to start with obviously, we've been--before I begin, I just want to say we've been joined by Costa Constantinides from Queens. So, I know security, obviously has come up in terms of security issues that building owners may feel--they feel this bill would hinder obviously security measures. So one of the questions I have is one, where are we with--what percentage of buildings right now have installed automatic sensors to shut off their lighting when they are unoccupied? Do we have any answers for that?

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JOHN LEE: I would not be able to assess that merely off the bat. That is something that we may be able to estimate. The lighting controls, the manner that you described did not become a requirement of the Energy Conservation Code until fairly recently. So we can be assured that probably permitted alterations to tenant's spaces that have taken effect since the 2007 Energy Conservation Code would have these proper sensors in place. That being said, there are many, many tenants that have gone on for continued occupancy for many years without being required to upgrade their lighting. We currently have Local Law 88 which requires by the year 2025, tenants within large buildings, defined as being larger than 50,000 square feet to have all tenant lighting upgrades to the current standards. So, with that regulation we should have this issue largely addressed across the board, but in terms of assessing the current state of affairs, it's rather difficult to surmise.

CHAIRPERSON RICHARDS: Can you just go through how-- so, just going back to the Energy Conservation Code, can you go, walk us through how a building, how this particular program is implemented?

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And once again, I hear that you don't have the numbers of how many buildings have installed, but if someone wanted to gain information on this particular code, how would they do it, our building owners? Is there outreach in particular, because you know, we're going to get into the question of safety. We can conserve a lot of energy as well if we obviously have sensors in buildings which would automatically turn the lights off. So therefore, if a police officer had to go into a particular building, the lights would automatically come on opposed to just keeping them on for 24 hours seven days a week. So my question is how is the city working to ensure that there is progress in this area, and is there any particular outreach that's happening now to ensure building owners are moving towards this goal and law?

JOHN LEE: Just for clarification, you are referring to Local Law 88--

CHAIRPERSON RICHARDS: [interposing] Uh-hm.

JOHN LEE: the requirement to upgrade the lighting. So, that particular regulation has a rather long compliance period. The intent when the bill was passed in 2009 was to capture the natural

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turnover of tenants within large buildings, on their presumption that most leases have a 10 year life span. And at tenant turnover, they would have to comply with the energy code if they are doing any sort of interior renovation. So there's a natural market effect that is assumed would happen as a result of the bill. With that being said, the city in conjunction with the agencies launching what has currently turned the energy and water retrofit accelerator, which if all ducks continue to stay, remain in line, we ought to have contracted and running by this summer, which is a direct outreach program to building owners that will also be the same universal building owners are subject to Local Law 88 to help them with compliance with all of the ordinances that were encompassed under the, what is it termed, the Greener Greater Buildings Plan, which includes required energy audits and retrocomissioning as well as benchmarking. Lighting upgrades is one of those. So we will have a direct outreach program. We're also working with the Department of Buildings to develop the enforcement protocols for how building owners would be able to report compliance with this over time, which would give us a much more accurate

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data picture of how much compliance we're seeing and what the extent of non--of lighting exists that does not comply with current energy code standards. In terms of the energy code and lighting illumination standards with respect to security, one of the uncertainties at this point is that we do not have a well-defined parameter for what would meet, satisfy a definition for security of lighting. That being said, we do have minimum standards for safe egress. This is permanently driven by the fire protection codes, and we can look to those standards to help develop the adequate standards for security lighting.

CHAIRPERSON RICHARDS: So can you give me just an example of how much electricity is used? Would you say where's usage most heavily at? Can you give me an example between daytime and nighttime? Do we see more usage at nighttime, more wastefulness at nighttime opposed to the daytime, or can you--

JOHN LEE: So, in terms of absolute use, clearly the daytime usage tends to be larger. Here we're looking at electricity use. Now that's difficult to parse out lighting separate from other loads such as your computer terminal, mainly because that its very rare that lighting would be separately

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metered from all other electricity uses. And so from an electricity standpoint, we can confidently say that more usage happens during the day, simply because the building is occupied much more densely during the day. Whether we can confidently say that there's more waste that happens at night that is difficult to warp our heads around. If I may point out an example, if we look at a building that is predominantly occupied by accounting firms, they may not have very much nighttime lighting until the weeks prior to April 15th, I which they're on all the time. That is not by definition not necessary wasteful, but is very difficult to make the distinction if you don't know very much about the underlying operations of the building.

CHAIRPERSON RICHARDS: So, let's go through savings for a second. Do you believe that, or can you give us a guestimate of how much building owners can save, and I guess this is a difficult question to gauge because it's depending on the building. Do you predict savings for building owners who turn their lights off at night?

JOHN LEE: the savings would go to both building owners and the tenants. In many instances

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the tenants are accountable for their own electricity bills. I think you would agree with me that it is very difficult to assess, especially since we cannot actually pinpoint where the waste is happening. However, the waste is real. It is observed anecdotally and my father often got on my case about leaving the lights on late at night until I became an adult, and I would think through proper education we can help building owners realize the proper--the savings with the proper implementation of this legislation.

CHAIRPERSON RICHARDS: Can you give us a guestimate of how many buildings you believe would be effected by this bill from both class B and M?

JOHN LEE: If the legislation is restricted to class B and M, this would be predominantly within the central business districts in the long commercial corridors.

CHAIRPERSON RICHARDS: And do you have an idea?

JOHN LEE: I would have to come back with the firm number, but for buildings that are larger than 50,000 square feet in size, ,there are approximately 3,000 properties and probably upwards

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of 7,000 individual buildings that are of the non-residential, non-industrial classifications. So those would include business, mercantile and assembly occupancies.

CHAIRPERSON RICHARDS: So around 10,000 buildings you say will be effected by this particular bill?

JOHN LEE: Easily.

CHAIRPERSON RICHARDS: Easily. Interesting. Can you just go through--so, I know in your testimony you spoke of the difficulties of keeping it in DEP. Why not keep it in DEP? Can you go into that? And can you give us an idea of what Department of Enforcement is sort of thinking of, or can you give us some insight to that?

JOHN LEE: The way that the bill is structured right now, it implicates building owners to be responsible with the enforcement authority being on the Department of Environmental Protection. The concerns that we have are primarily around that is stated in the testimony that the infraction is most likely going to be incurred against by the tenant and not the building owner. We're not sure that every lease agreement necessarily provides the

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recourse for the building wonder to assign the penalty to the tenant, and if there are other agencies that are better equipped to exercise enforcement authority against an individual business as opposed to the building owner, we think that that would be a much more effective enforcement strategy.

CHAIRPERSON RICHARDS: And can you give us some examples? So would it be finance, would it be the NYPD?

JOHN LEE: Those are included in the agencies that we would contemplate.

CHAIRPERSON RICHARDS: So you went into, which I was very happy to hear, restaurants. Can you just go through that again, pharmacies and restaurants who may be on the first floors, so they would--so you're looking? So you're interesting in expanding that? Can you just give me a little bit more thought around that?

JOHN LEE: Sure. The way that the bill structure is today, it identifies buildings that are classified as group B, business, or Group M, mercantile. In the Department of Building classification scheme, there is a use classification that is assigned to the main use or dominant

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occupancy of the building and then there are use classifications assigned to spaces within the building. The example that we often point to is the Time Warner Center building which is classified as a building, group B. However, there are obviously shopping mall, hotel, residences in addition offices and so each of those individual spaces have their own use classifications. The recommendation here is to look at how we identify buildings that would be subject to the law, and the suggestion here is to consider assigning, placing the restrictions against spaces within buildings that are classified as business or mercantile. The example that I presented in testimony is that a residential building multi-family tower that has ground floor retail spaces, that building is classified as group R, residential. However, the ground floor retail space which may be occupied by a pharmacy or grocery would have some other classification through group B, business or mercantile.

CHAIRPERSON RICHARDS: Alright, and how many--so if we were to include this class of buildings, how much more buildings would you anticipate, or can you give us a guesstimate of how

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many more buildings we would be able to add to this group?

JOHN LEE: I will shy away from giving a number guestimate. Suffice it to say, it would be a lot.

CHAIRPERSON RICHARDS: Okay, but if you could get that to us, that would be useful.

JOHN LEE: Sure.

CHAIRPERSON RICHARDS: I wanted to go to Landmarks Commission for a second. So welcome.

MARK SILBERMAN: Welcome.

CHAIRPERSON RICHARDS: Don't worry, I'm not going to bust your chops too much today. So, I wanted to go through the landmark buildings. Can you give us some examples of landmark buildings that would be exempted, perhaps, in this bill, and what would--what makes them landmark? Can you give us examples of landmarks buildings that would be effected or exempted from this bill?

MARK SILBERMAN: Well, I think that--

CHAIRPERSON RICHARDS: Hit your mic.
Your mic is on?

MARK SILBERMAN: Yeah, it's on, I believe. Mark Silberman, the General Counsel of the

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Landmarks Commission. Council Member, there are obvious, you know, tall structures, the Empire State Building, the Chrysler Building, the MetLife Building, the Williams-Brook Savings Bank in Brooklyn. These are all taller than 20 stories and individual landmarks, and so they arguably could under the provisions of the bill seek an exemption. And I think that from the Landmark Commission's perspective we're, you know, interested in obviously working with the Council on this bill, and I just would make a couple of observations. The sort of mandate to curate, if you will, the skyline of the City of New York is not something that the Commission does currently. It's not what we do. We look at individual buildings or historic districts and determine their historic or historical or cultural significance. So it's not something that we do now. In addition, I would say that caution that it does put the Commission in a slightly uncomfortable position, perhaps, of choosing between landmarks, choosing that this landmark is somehow more worthy to have its lights on than another, even though we've chosen to designate both, and we do worry that that will put us in an uncomfortable position, vis-à-vis

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owners and tenants that we are regulating on a day to day basis.

CHAIRPERSON RICHARDS: So we're going to add excitement to your life?

MARK SILBERMAN: Yeah, it would add excitement to our life, yeah.

CHAIRPERSON RICHARDS: That's good. That's a good thing.

MARK SILBERMAN: We're not looking for excitement.

CHAIRPERSON RICHARDS: We want to liven you up, though, you know? We don't want you to be so bored in there. Strike that from the record. We know you're not bored. So can you give a run through just the process? I'm sure that all 10,000 buildings are now going to want to be landmarked that can be affected by this bill. So can you run through the process of what they would have to do to become landmarked?

MARK SILBERMAN: To become landmarked--

CHAIRPERSON RICHARDS: [interposing] You can sum it up. We don't, you know--

MARK SILBERMAN: [interposing] I mean, the Landmarks Commission has a whole process. We do

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surveys. We look at individuals requests for evaluation. We--there's an internal committee that looks at whether the building meets the criteria set forth in the landmarks law. I would also point out one other issue. The bill looks at individual landmarks as opposed to there are districts with tall buildings that might also arguably contribute to the skyline, and one wonders how--whether they would be included or not or able to seek an exemption. Under the current provisions of the bill they would not because landmark is only an individual designation. But with respect to designating buildings, you know, the ultimately a building--the research department looks at its historical and architectural background and merit. If it's determined that it rises to the level for consideration, the Landmarks Commission formally the 11 Commissioners will vote to calendar that building for consideration. There will subsequently be a hearing, and then the Commission will vote usually whether or not to designate it.

CHAIRPERSON RICHARDS: And how many days on average would it take to get through this entire process?

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MARK SILBERMAN: Well, it's very variable. There's a lot of outreach to owners, communities, other stakeholders when we ever designate something. There is no set timeframe. The current Chair Shrena Vasin [sp?] has made it one of her priorities to try to shorten that time frame and to sort of systematize it in a way. That hasn't been the case in the past.

CHAIRPERSON RICHARDS: And I'm sure--so I'm sure you're going to receive a lot of inquiries very soon now that this is coming down the pipeline. SO are you guys prepared to deal with these inquiries?

MARK SILBERMAN: We're always prepared to deal with requests for evaluation.

CHAIRPERSON RICHARDS: Alrighty, great. Alright. I'm just going to go back to Department of Buildings, Mr. John Lee. So how much greenhouse gas emission reductions do you predict we can save by just turning off our lights at night?

JOHN LEE: First, let me clarify for the record that I'm not here representing the Department of Buildings.

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CHAIRPERSON RICHARDS: I'm sorry, Office of Sustainability.

JOHN LEE: That's okay.

CHAIRPERSON RICHARDS: I got you confused with Derrick Lee [sic] for a second, right? He's at Buildings?

JOHN LEE: Yes, he is.

CHAIRPERSON RICHARDS: Okay, got you.

JOHN LEE: A good friend, too.

CHAIRPERSON RICHARDS: Sorry about that.

JOHN LEE: That's quite alright. The greenhouse gas reductions from this are not necessarily of significance that are quantifiable. We noticed in the draft legislation that the specifications for the storefront window illumination standards were plucked from the Green Coast Taskforce Report of 2010. Within that report, the environmental data, a scale of environmental significance or impact in this particular provision ranked in the lowest of that in terms that the impact was not enough to warrant a huge quantifying exercise there. I do not think that the--

CHAIRPERSON RICHARDS: [interposing]
You're saying storefronts?

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JOHN LEE: Right.

CHAIRPERSON RICHARDS: What you're--okay, got you.

JOHN LEE: Overall, I doubt that the impact is going to be enormous, but we are in a very aggressive push to reach an 80 percent greenhouse gas reduction, and we'll take any reduction that we can.

CHAIRPERSON RICHARDS: So how did France make it quantifiable? How did they get to their numbers, their predictions?

JOHN LEE: Their predictions are based on certain assumptions being made about when a specific space is so-called wasting energy. To that we can peg our consumption and this can be modeled. It's not to say that we wouldn't necessarily be able to come up with a model that we can, you know, publish with some level of confidence. I just would caution that I don't think it's going to be a lot, but this is important from--that it does have some greenhouse gas emission reduction, and it is optically important that the impact that we have on being able to visibly shut of waste and demonstrate publicly that we will not tolerate waste. We'll go--we'll have much bigger effects.

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CHAIRPERSON RICHARDS: Do you predict more blackouts in the future, being that obviously the earth is warming at a rapid rate and obviously New York City is deemed to see just as many 90 degree days as Atlanta. So obviously with that comes an increase, and obviously people using air conditioners more and burning them all day, and I'm not looking to ban air conditioners. I just want to put that out there very early before people do. But so obviously we're going to see more--there's potential for more blackouts, and what are your thoughts around that, being that we're going to see more 90 degree days, and our grid is going to be overloaded more? Can you give me just some of your thoughts on that and why this bill--why is the Mayor supportive of it? And obviously we have some ways to go on it, but can you just speak on that for a second?

JOHN LEE: According to the New York City Panel on Climate Change, we are facing growing risks of more heating degree days, and the kinds of loads that are placed on our electricity infrastructure will increase with greater business activity and increase in population in New York City. The risk of blackouts become increased as we place more stress on

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the electricity infrastructure. The greatest stresses to electricity infrastructure happen at the peak load times, which is generally around noon on the hottest day in August. This bill itself may not necessarily help to reduce the strain on the grid, because it is a nighttime load consideration, which is much, much less than that peak daytime load. I don't think I could say with confidence that this particular bill will help prevent or reduce the risks of future blackouts. Again, I would firmly say that this does have a strong messaging component to it to eliminate waste, and if we can eliminate waste at night, we can also eliminate waste during the day.

CHAIRPERSON RICHARDS: Have we had blackouts at night at any point in our lives? Just--

JOHN LEE: [interposing] As I recall in 2003 it was a very hot night without air conditioning.

CHAIRPERSON RICHARDS: There you go. I remember that night. I was eating burgers on my stoop that night. Very clearly I remember that night. So, I think that's all the questions. Do any of my colleagues have questions? Costa has

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questions, so we're going to go to him. So, just the last question, does it make sense to do this bill?

JOHN LEE: Yes, it does support our policy objectives to reduce waste, reduce energy waste and to support what we do with our environment. As pointed out, there are some technical considerations that we have to take into account in order to make this most effective and it doesn't become a useless piece of unenforceable legislation. I'm confident that we can work together and come to something that works for all New Yorkers.

CHAIRPERSON RICHARDS: Thank you, Mr. Lee. I will now go to my colleague, Costa Constantinides.

COUNCIL MEMBER CONSTANTINIDES: Thank you, Mr. Chair, and thank you for your great leadership on this important piece of legislation. It's great to see you, Mr. Lee. I actually do remember that blackout pretty well. I was actually a retail manager at the time in KB Toys. I remember that very, very clearly. So just coming through through that perspective, when we talk about commercial buildings, there's no requirement that they leave the light on at night for any safety

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purposes, correct? There's no rule that says they have to leave their lights on?

JOHN LEE: There are rules that require lights to be on for egress purposes. For example, the stairwell in a commercial office building.

COUNCIL MEMBER CONSTANTINIDES: Right, but no--you don't have to leave the building lights on, you know, if you're in a large retail establishment and you're a large commercial buildings, there's no--there's no rule that says you must leave your lights on at night for safety purposes, except for egress, correct?

JOHN LEE: Not that I am aware of.

COUNCIL MEMBER CONSTANTINIDES: Right. So it's really at the discretion of that particular business whether--and truly the discretion of whoever's working that evening, whether those lights will be on or off. There's no coordination to say this is going to keep our establishment safe or unsafe. There's no sort of real coordination within the Police Department to say this is the reason we must have our lights on at night, correct?

JOHN LEE: I would not confidently say any absolute response to this. I can imagine there are

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certain circumstances in which a specific building owner may request constant illumination. Even in those instances though, I'm pretty sure that there is accompanied by a person occupying for also security purposes. So, again, as a way that the bill is structured, it does provide exemptions for when--I mean, we're talking about unoccupied spaces.

COUNCIL MEMBER CONSTANTINIDES: Right.

JOHN LEE: That's what we're trying to get after. Without categorically ruling out, there probably is not a set standard for security illumination.

COUNCIL MEMBER CONSTANTINIDES: Okay, great. And that's just really what I wanted to try get at, is there's probably a lot of reasons why establishments will leave their lights on at night. And as I definitely agree with the laudable goals of this bill and the laudable goals of the Mayor's plan to reduce emissions and as one of the sponsors of the 80 by 50 reduction bill, I totally get that. But I know we want to make safety a strong concern, I hear that, but I think there are a lot of reasons why people leave their lights on, and part of it may be that they're just not, may not have to do with

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safety. May have to do with them just leaving their lights on at night, and by requiring them to shut them down and still providing that waiver and still doing it in a reasonable way, I think it's a good way for everyone to proceed.

CHAIRPERSON RICHARDS: Thank you, sir.

And with that being said, we're going to let you go, but I just want to echo what he said. You know, when I drive through the city at night or bike or bus or subway, you know, to see commercial buildings unattended, I don't know who's getting the floor 50 [sic] really with these lights on. I don't know even know how you get through security in some of these buildings to quite frankly be truthful, but we are very wasteful here in New York City. there's no reason for commercial buildings to obviously have their buildings on for 24 hours a day, with no one in them after a certain time of night, and it's not hard to see it, and I'm very grateful once again for the Mayor's support and look forward to working with you all to ensure that we reach a productive solution to ensuring this bill happens. We can be--we can save energy. I said this other day at the Mayor's announcement. It's the way I grew up. My father used

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to make us unplug the clock at night. You know, he said, "You can't tell time in your sleep." Guess what, saved him a lot of money, I'm sure, on that energy bill, and I think we can simply do that by turning our lights off. Thank you all.

JOHN LEE: Thank you, Chair.

CHAIRPERSON RICHARDS: Thank you.

Alrighty, our next panel, and we'll ask everybody to be respectful, as I always do at my hearings, whether we are in opposition or in support. We like to have respectful dialogue. We will hear from Ali Davis from REBNY, and we will also hear from Jay Poltz, I think, from the--Jay Palz [sp?]? Peltz, got it, Peltz--from the Food Industry Alliance of New York.

SAMARA SWANSON: Can you please raise your right hands? Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today?

JAY PELTZ: I do.

ALI DAVIS: Yes.

CHAIRPERSON RICHARDS: Alright, you may proceed; welcome.

ALI DAVIS: Good afternoon, Chairperson Richards and members on the Committee of

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Environmental Protection. My name is Ali Davis from the Real Estate Board of New York, and I am here to read testimony for Angela Pinsky who unfortunately can't be here today. The Real Estate Board of New York, representing nearly 17,000 owners, developers, managers and brokers of real property in New York City thanks you for the opportunity to testify on Intro 587 and nighttime illumination. We also appreciate that the New York City Council has been proactive in seeking our comments and collaborating with building owners. As we have learned, buildings account for approximately 72 percent of the city's greenhouse gas emissions, and lighting represents about 18 percent of emission from buildings. Therefore, we know that reducing our carbon emissions to meet the city's goal of 80 percent by the year 2050 largely depends on moving buildings to more efficient lighting controls and behavior. This is why as an industry we have been supportive of bold and ambitious city initiatives led by this committee and the Housing and Buildings Committee through the Council, which had been lauded by environmental organizations in cities both nationally and internationally. These initiatives include the

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creation and support of Local Law 88, which requires a mandated retrofit of efficient lighting in commercial spaces by 2025. Additionally, REBNY has served on each of the state and city's energy code committees, which through the requirement of lighting sensors and controls and high minimum standards for lighting, significantly improves the energy efficiency of our new construction and alterations and reduces lighting when tenants are not present. The US Department of Energy cites that the 2012 ICC codes will increase building efficiencies by 30 percent over the 2006 codes. Between these two code changes, all lighting in large commercial buildings over 50,000 square feet will have low energy, high efficiency and healthier lighting by no later than 2025, moving the city's buildings from incandescents to fluorescents to LED's. Additionally, through the education efforts from the Administration and the Council, the Retrofit Accelerator Program, which will encourage efficient retrofits outlined in the mandated ASHRAE Level II audits and the support of education organizations such as the building energy exchange, formally Greenlight New York and Urban Green Council. We believe that the industry will

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2 become educated on the energy benefits as well as the
3 economic benefits of reducing energy loads through
4 efficient lighting. Additionally, we are working
5 with private sector companies that are quickly
6 developing ESCO-like models that will retrofit
7 lighting at no or low cost to a building owner, with
8 the shared benefit of the energy savings going
9 forward, which we are convinced will spur the
10 lighting changes far in advance of the 2025 goal.
11 These mandates will create significant savings and
12 energy consumption from lighting, and we will
13 continue to support them. However, for the
14 operational reasons listed below, we feel the
15 remaining lighting in commercial buildings may not be
16 reduced significantly further by intro 587, but may
17 generate substantial regulatory reviews by the city.
18 Building operations: Because tenant leases include
19 the provision of building services after hours,
20 services such as cleaning and garbage removal often
21 occur during over night shifts. Additionally, be
22 leases include 24 hour access for tenants. Buildings
23 often maintain a minimum security presences as well
24 as the presence of a fire safety director, who is
25 required by the city when the building has an

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occupancy of a hundred persons above and below grade or 500 persons in the entire building. Because of this, we believe that most large office buildings will have at least one person in the building at all times and will fall under the Section Four Exemption in the legislation. Mandated lighting: Commercial buildings by code are required to have a significant amount of lighting on at all times, which includes all stairwells in elevators and elevator lobbies, major paths of egress and common areas, falling under Section Five Exemption. Safety and security: Lighting in our commercial buildings is important for our city's productivity and for the safety of our tenants, staff and neighbors. A study by the Campbell Collaboration reviewed 13 studies of street lighting interventions in the United Kingdom and United States spanning four decades and found that crime decreased in 21 percent in areas that experienced street lighting improvements compared to similar areas that did not. For this reason, we believe that most buildings will likely apply to the department for the waiver in Section Three, creating a substantial amount of review for the city. Land marking: Architectural lighting can also be a

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significant asset to an organization and to the city, creating recognizable icons such as the Empire State Building or the Chrysler Building in Rockefeller Center. Because of the value of highlighting these structures, we believe that most landmarks will also apply for a qualifying exemption, again creating a significant amount of review for the city. Migrating birds: REBNY has in the past partnered with the New York City's Audubon's Lights Out New York Initiative where we have encouraged our members to turn out lights in buildings during migration season from midnight until dawn. With the significance of the issues, we will continue to remind and educate our members of this important initiative. While we strongly support the city's goal of lowering our carbon footprint, we are concerned with the environmental benefits that may create impacts on safety, security and economic viability. We would like to assist the Council in crafting a bill that would further this goal. We appreciate your time and attention to this matter.

JAY PELTZ: Thank you for the opportunity to testify at today's public hearing. My name is Jay Peltz and I'm the General Counsel and Vice President

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of Government Relations for the Food Industry Alliance of New York State. FIA is a nonprofit trade association that promotes the interest statewide of New York's grocery stores, drug stores and convenience stores. Our members include chain and independent food retailers that account for a significant share of New York City's retail food market and the wholesalers that supply them, as well as drug and convenience stores. Many of our members are small businesses struggling to survive as we muddle through the sixth year of the weakest recovery on record. As a result, weak consumer spending has become the new normal. On top of that, new laws and regulatory changes, no matter how well intended have imposed significant additional costs on businesses. Given this context, we believe this measure would further hurt our members, especially our small business members who are struggling to survive in a very low margin business being squeezed by nontraditional competitors such as discounters, warehouse clubs, dollar stores and internet sellers. This bill prohibits nighttime illumination of the exterior or interior of certain buildings, including buildings whose main use is classified in Group M

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under the New York City Building Code. It is our understanding that supermarket, drug store and convenience store uses fall within the Group M classification. The legislation allows our lights to remain in use until the last person leaves the store. However, at that point, the exterior and interior of the building must go completely dark unless an exception applies. This mandate can apply even though our stores have thousands, sometimes of tens of thousands of dollars left in them overnight. This can make our stores as inviting a target as banks. Without an exception, store managers will have to open and close in the dark. Sometimes those managers will have to walk in the dark the entire length of the store to an electric panel in the back to turn the lights on. Similarly, when answering a burglar alarm, police officers would enter a completely dark store. Darken parking lots would become hazardous due to pot holes, cement blocks, ice and other conditions that are manageable with light, but dangerous in the dark. Darkened parking lots can also become hang outs. IN addition, security would be weakened as security cameras would be useless in the dark and police officers would no longer "peak

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in" to darkened stores at night. The security exception in the legislation falls far short of providing our stores and their workers with the immediate comprehensive security protection they need. Under the measure, for the security exception to apply, each building owner would have to separately apply for a waiver based on "special circumstances" indicating a need for night security lighting for such building. The first problem is that the operator tenants cannot force their landlords to put an application in. the second is that decisions will be made case by case, which inevitably leads to inconsistent outcomes with some buildings being allowed to leave their lights on to varying degrees while others won't be permitted to leave their lights on at all. The third is that we will have to wait for rules to be adopted to define "special circumstances" and other major aspects of the exception while three agencies make determinations. The security of a city's businesses and the people who work there should not be left to the rule-making process. Accordingly, we respectfully request that the bill be revised to provide that our stores are exempt as a class. The

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standard should be that lights can be left on to the extent necessary to maximize security. Finally, since the vast majority of our member stores are part of a "chain of stores" as defined in the measures, the small store exception would not generally apply. Accordingly, the FIA on behalf of its members opposes adoption of this legislation. Thank you for your time and attention to FIA's concerns. We are happy to address any questions you may have.

CHAIRPERSON RICHARDS: Thank you so much for your testimony and certainly look forward to working with both of you to certainly your organizations to reach a solution on this bill. I wanted to go through--so you said your organization represents how many building owners?

ALI DAVIS: Our total number of members is 17,000. The majority of those are brokers, but I don't know the number of owner members off the top of my head.

CHAIRPERSON RICHARDS: And how many, with the building of these building owners that you represent have installed sensors so far? Because I think that's a big part of the discussion today?

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ALI DAVIS: I know it's something that's being implemented moving forward. I couldn't give you a number of how many have done it so far.

CHAIRPERSON RICHARDS: Would you say keeping lights on at night without anyone occupying particular spaces that your organization represents is wasteful?

ALI DAVIS: I would, but I would also say that there are very few circumstances for large office buildings in which a building is entirely empty.

CHAIRPERSON RICHARDS: And can you go through some of those circumstances on why they would need to keep their--and this bill applies to buildings that obviously are 20 stories or higher, right? So can you go through why they would need to keep lights on all night, 20 hours--for, you know, all night?

ALI DAVIS: So as I mentioned in my testimony, very frequently for large commercial buildings, some of the services are provided overnight, such as cleaning services, in which case a building wouldn't be empty. In addition, if there's anybody working in the building, buildings typically

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have security personnel or a fire safety director on site.

CHAIRPERSON RICHARDS: And--

ALI DAVIS: [interposing] And so given the nature--excuse me, sorry.

CHAIRPERSON RICHARDS: No, no, go ahead, continue.

ALI DAVIS: Given the nature of the 24 hour business climate in the city, it's rare that a building would ever be fully empty.

CHAIRPERSON RICHARDS: So would you assume motion sensors would be--do you--would you agree with me that motion sensors would help, you know, especially with cleaners, you know, who obviously have to clean? I have family members who are in some of these commercial buildings, so I know firsthand. You know, I hear from them on how wasteful we are. So would you say motion sensors would help out with that if people are cleaning floors, you know, and they're finished on floor 20, would a motion sensor help turn the lights off? Would that help us be less wasteful?

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ALI DAVIS: Motion sensors would definitely reduce energy use in floors that were unoccupied.

CHAIRPERSON RICHARDS: So that's why I think it's important for us to get to the question, and I would love to hear how many of your buildings that you represent, the owners you represent obviously have motion sensors installed. Because we wouldn't be here today, you know obviously, if we weren't being wasteful. And I guess I would just echo the same question to you in the chain stores that you represent. Now would you--can you just mention, go through some of the chain stores you represent?

JAY PELTZ: Sure. We represent just about everybody. So we have A&P, Walbaum's [sp?], Pathmark, Shop Right [sic], which is a co-op, Q Food, which is a co-op. We have Crasdale [sp?] Grocery Wholesalers, the only wholesaler left in the five boroughs that sponsors. They're called voluntary associations, C Town, Bravo and Food Town as well.

CHAIRPERSON RICHARDS: And would define any of these as small businesses being that they're chain stores with stores all over the--

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2 JAY PELTZ: [interposing] Well, we have
3 both. Also, we have Walgreens, Dwayne Reed [sp?] and
4 711 as well. So supermarkets, drug stores and
5 convenience stores. So we have many small businesses
6 that operate by being part of a co-op, Q Food, Shop
7 Right, Foot Town or being part of a voluntary,
8 Crasdale, C Town, Bravo, that sort of thing, Met
9 Food, Associated Food Town. The problem with the
10 bill, though, is that in order to be a small store
11 for purposes of the bill, you have to have less than
12 4,000 square feet selling, and you can't be part of a
13 "chain of stores." So most of our stores are 4,000 or
14 above, which would take them out right away, but even
15 the ones that are smallish, they're part of a chain
16 of stores, because chain of stores is defined
17 liberally as five or more stores doing business under
18 the same name or under common ownership, or
19 franchised. So, 711's are rather--are franchise to
20 corporate, and the rest flow within the other, one of
21 the other two.

22 CHAIRPERSON RICHARDS: Now, would you
23 say, and I guess it's a question for both of you,
24 that by turning out the lights at night that in
25 particular that you would generate savings?

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JAY PELTZ: Well, I can tell you, I grew up in the business. I was in the business, now at lobby for the business. If you get burglarized once and you wind up losing thousands or tens of thousands of dollars, it's hard to make the case that you would save money over the long run by cutting your lights at night, especially because once you put the claim in it's a matter of A, how much you get, if anything right, and B, your premiums go up. But most operators in our industry don't leave all the lights on all night long. They typically leaves on for purposes of egress which generally refer to OTA [sic], but also for security purposes. They tend to set it up so that some of the lights stay on, that way the police can peak in. That way, people aren't sort of invited to hang out around the store at night. That way, the last person or people in and out, you know, they're not opening or closing in complete darkness, you know, that sort of thing. And it just--the general sense of it is that we're an inviting target. I mean, when I was in the business, I had an ATM. I lost 16,000 dollars out of that ATM because somebody was able to get easily, to get in and out easily.

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CHAIRPERSON RICHARDS: So you just said something interesting, that some of your stores do turn off the lights.

JAY PELTZ: Right, they--

CHAIRPERSON RICHARDS: So can you just go--and as a person who lives a block from a Walgreens, I know firsthand, you know, that--because I think your argument in your testimony was that it would be dangerous for people to turn off the lights in the store if they're leaving. If they're leaving out how would they find the front? But this is happening. You--

JAY PELTZ: [interposing] Well, the bill as written.

CHAIRPERSON RICHARDS: I believe you just said that.

JAY PELTZ: Sorry. My understanding, the bill as written requires complete darkness, interior and exterior. So, we think complete darkness is dangerous and such--

CHAIRPERSON RICHARDS: [interposing] So that's not happening anywhere now? Are you positive?

JAY PELTZ: Am I positive that--

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CHAIRPERSON RICHARDS: [interposing] That a Walgreens is not--their inside their store is not completely dark.

JAY PELTZ: No, it could be the case that some stores are completely dark, that is possible. But I think the norm that typically some lights are left on at night.

CHAIRPERSON RICHARDS: So what makes those stores who can do it different than the stores who can't?

JAY PELTZ: You know, I don't know. I would have to discuss that with the member. If it's a chain, it could be a chain-wide decision that might work in some of their locations, but might not work in others, but chains tend to make cookie cutter decisions and apply them throughout a zone.

CHAIRPERSON RICHARDS: And would it work in some locations and not work in other locations?

JAY PELTZ: In terms of leaving the lights on?

CHAIRPERSON RICHARDS: Uh-hm.

JAY PELTZ: It depends on the assessment of the security risk, to the security situation.

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CHAIRPERSON RICHARDS: So you spoke of-- we spoke of savings. Now, obviously, I, like I told you, my father unplugged the clock. I'm sure he was able to generate some savings and buy, you know, a box of Fruity Pebbles, which is my favorite cereal for me, because we generated savings.

JAY PELTZ: That was one of my favorites too.

CHAIRPERSON RICHARDS: It's really good, especially with cold milk. So, obviously if you saved dollars turning your lights off, would you say that you can take some of that money and put it back in through security measures? Would that make sense? You know, if you save money, because I know definitely there has to be savings if you're not keeping your lights on for 24 hours seven days a week. But let's say you turned the lights off for eight hours. Let's just say hypothetically that. You obviously would generate some savings, and would you say your building owners would be open to installing more security measures? You know, I hear that the--I heard what you said that obviously security cameras can't see in the dark, but to my knowledge they are. The technology that we have

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today is amazing. I mean, we can look at even cameras in cabs where its pitch dark black and they can take very clear surveilliance of people and its pitch black dark. So I'm wondering is your organization aware of this technology, or is there technology out there that your businesses would be able to purchase being that you're generating savings, especially for A&P and Walgreens. I mean, these aren't the poorest chain stores. You know, I think, matter of fact, if I had to look at it, they're taking away from a lot of the small businesses that we have in the community because we're not going there to grab milk anymore, right? We're going to Walgreens to grab milk and these particular things. So, I would just ask you do you believe that generating savings would ensure that your businesses can put in proper security measures if they don't have them.

JAY PELTZ: Well, it's unclear as to how much the savings would be, because the biggest part of any supermarket's bill is the refrigeration, not the lighting, and they're not leaving all the lights on now. So--typically. So it's a matter of how much. Don't know the answer. Typically, the kind of security systems you're talking about, the ones that

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are relatively sophisticated are very, very expensive. So any-- I mean, all dollars are fungible [sic], no matter where you put them, no matter how many accounts you have, they all go into one effective pot, right? So how much would it increase that pot by, I don't know. My guess would be it would not be significant.

CHAIRPERSON RICHARDS: So I know building owners are required to get energy audits every ten years, and which I'm trying to move to five years, but have you guys considered doing energy audits for your building owners? And I know that this is, you know, obviously something that is touchy, the question of mandates. Can you speak of any mandates that your organization--because like you said, and I don't have to say this, over 70 percent of carbon emissions in New York City are coming from the building sector. So we're not doing something right. Obviously we're not moving quick enough, and I do have the responsibility, especially as a representative of the Rockaways to ensure that, you know, we're doing everything to lower carbon emissions so that our communities can survive in a storm, and parts of Manhattan for that fact. We saw

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the devastation of the storm. So my question is, have you guys considered doing energy audits, and will you consider doing them in part to see how much savings you can generate, because I believe you'd be able to create more jobs possibly with those savings, and most likely as well putting some additional security measures or motion sensors. Would you say motion sensors are too expensive to really get? So can you just go through the thinking on that a little bit? Energy audits, would you be open to doing that so you can figure out how much savings, you know, your businesses would generate?

ALI DAVIS: Our members tend to be very cost conscious, and often do this type of thing on their own. In terms of requirements, though, obviously we've had conversations and as you mentioned, mandates can be a problem for--

CHAIRPERSON RICHARDS: [interposing] So all mandates or just some mandates? You know what? I don't want to get you in trouble. So you don't answer that question. I know the answer to it, and I know that you know we get touchy when we get to mandates, but if we're going to achieve 70 percent carbon reductions, we're not going to get there

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voluntarily and that's my opinion, and you know, and I certainly voice that to the Mayor, and I think, you know, we've been very kind to everyone, but I don't see us moving to reach, you know, 80 percent reduction by 2050 without some sort of mandates, unless you guys can tell me today on how you can get your building owners to change their behaviors. You would have to convince me that they can change their behaviors of being wasteful.

ALI DAVIS: We are actually working on coming up with some voluntary ways that would help address the long term goals, and we can get back to you on that.

CHAIRPERSON RICHARDS: And you're not prepared to run through any of those things today?

ALI DAVIS: No.

CHAIRPERSON RICHARDS: Okay. Would you say, just in closing, do you support any parts of the bill? Do you support any parts of the bill? Are you open to working with the Administration and us to certainly try to tailor it and not necessarily water it all the way down--I want to be clear-- but to work with the Administration. And I want to be very clear, we want to hear from everyone and we want to

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work with everyone, and that's the way we run this committee since we've been here. But are there any parts of the bill that you do agree with that we can get to, where we can find common ground or is it just a complete no?

ALI DAVIS: We definitely support the goals of the legislation, and we're always open to continuing conversations.

JAY PELTZ: Right. I mean, we're happy to work with you on the bill. It's the security aspect that concerns us, but otherwise we support the general goals.

CHAIRPERSON RICHARDS: Great, great. Thank you so much for coming today. I look forward to working with you all as we move forward.

JAY PELTZ: Thank you.

CHAIRPERSON RICHARDS: Thank you. Alrighty, our next three panelists, Deborah Brown from River Keeper, Lisa DiCaprio, I can't read your handwriting. It's like mine. Don't worry about it. Susan Elbin from New York City Audubon.

SAMARA SWANSON: Can you please raise your right hands? Do you swear or affirm to tell the

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truth, the whole truth and nothing but the truth today?

CHAIRPERSON RICHARDS: Oh, and three o'clock, we have a surprise. The former French Minister who helped enact Lights Out in France will call into us. Isn't that exciting? Alrighty. Didn't mean that to say shorten your testimony by the way. I think we're--we're doing well. Alrighty.

DEBORAH BROWN: I'll keep it quick.

CHAIRPERSON RICHARDS: But we will put a five minute time clock on. Sergeant at Arms, five minutes? You may begin.

DEBORAH BROWN: Thank you. Thank you Chairman Richards and the Committee and Samara. Thanks so much for inviting us here. My name is Deborah Brown, I'm the Chief of Staff of River Keeper, and we are very happy to be here today. We support this bill. River Keeper is dedicated to defending the Hudson River and its watershed and protecting the drinking water of nine million New Yorkers who live in New York City and the Hudson Valley. And both from that point of view and the point of view of the global need to reduce energy consumption, we think that this bill would have a

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number of important results. Limiting the nighttime use of energy would have a number of effects. If you turn out the lights, it means that you're using less energy, means that power producing plants have to produce less power, and that means that you're using less water to cool those plants, and an awful lot of water is involved in cooling energy plants, something like 200 billion gallons a day nationally. And that water is generally extracted from bodies of water that collectively total the amount of water that's in the 30 largest reservoirs in the US, and those bodies of water are teeming with marine life. The process that's involved in extracting the water from those bodies of water involves intake of water through pipes that have a mesh covering, and the fish end up being squished up against them, crushed, killed, maimed. Their eggs, their larva go into the system. The water is chemically treated, goes through a series of pipes. It removes the heat from the plant and it is then released back into the body of water from which it was taken. So if we have less light usage and we have less power usage and less of that process going on, it stands to reason that we will have better drinking water. We will have more and

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healthier fish to eat. We will have better bodies of water, better, more healthful, more attractive bodies of water in which to recreate and that will attract tourism. So those are some of the benefits to us through that chain of events. Another thing that we need to consider in terms of marine life is that a lot of marine animals, and other animals as well, are very active at night, and they need it to be dark at night. In terms of biodiversity, this is actually very important, because a lot goes on at night. If there's a light shining on you and you're move vulnerable to predators, it means you have less time to find shelter or food or a mate, or to reproduce, and obviously that would affect one's health and one's survival, and that affects us because these are creatures that we eat. So this is an important food source for us and we want to protect that. I have to say that, you know, when we're in the absolute wonderful built environment that we have here in New York City that attracts so many people from all over the world, it's easy to forget that we have a relationship with these environments, and that to some degree we are dependent on them. So, I think that if we're going to be curious about

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sustainability and about conserving energy and about providing a reasonable standard of living for ourselves and our marine cohabitants, this is a very important bill and it's a very progressive and wonderful way to begin to achieve those results. So thank you.

CHAIRPERSON RICHARDS: Thank you for your testimony. Is your mic on? Yes.

LISA DICAPRIO: Sorry. Thank you. Sorry. My name is Lisa DiCaprio. I am a professor of Social Sciences at NYU where I teach courses on sustainability. I am here to testify in support of Local Law 578 limiting nighttime illumination for certain buildings. The proposed legislation will reduce air and light pollution in New York City. As a follow up to this bill I recommend legislation to mandate the installation of motion sensors in all New York City non-residential buildings and to encourage their installation as appropriate in residential buildings. With regard to air pollution, as has been stated, buildings in New York City are responsible for about 71 percent of New York City's greenhouse gas emissions. By reducing these emissions, the legislation will provide a way to make New York

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City's new goal of an 80 percent reduction in emissions by 2050. Governments can and must assume a leading role in reducing the amount of electricity required for lighting streets and buildings. We can accomplish this goal without jeopardizing public safety by installing new efficient forms of lighting, implementing smart lighting technologies, such as motion sensors, light timers and network street lighting systems, and reducing the overall amount of illumination. As Chairman Richards had said, in January 2013, the Minister of the Environment of France enacted a decree "to reduce the print of artificial lighting on the nocturnal environment" which is projected to reduce carbon dioxide emissions by 250,000 tons a year and save the equivalent of the annual consumption of 750,000 households as reported in an article in the New York Times. In Paris, the implementation of this decree reduced the use of electricity by nine percent. As New York City's average electricity usage is about 12,000 megawatts, a comparable outcome from the proposed legislation could result in a reduction of 1,080 megawatts, which is more than the 1,000 megawatts generated by a nuclear reactor at Indian Point. If the city of

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light can dim its lights to protect our environment, why can't we? The proposed legislation will also reduce light pollution. As a result of our modern industrialized society, we have disrupted all the key cycles of nature, the carbon cycle, the water cycle and the soil nutrient cycle. We have also turned night into day. The sky above most cities in the world is not illuminated to such an extent at night that the stars have all but disappeared. Of all US regions, the northeast contributes the most to light pollution. In New York City, we have a special responsibility to turn out unnecessary lighting. In an article entitled "Light Pollution, Our Vanishing Night" Verilyn Clintonborg [sp?] described the adverse impact of light pollution on animal species and humans, "We've lit up the night as if it were an unoccupied country when nothing could be further from the truth. Among mammals alone, the number of nocturnal species is astonishing. Light is a powerful biological force, and on many species it acts as a magnet. Migrating at night, birds are apt to collide with brightly lit tall buildings. Immature birds, on their first journey, suffer disproportionately. In the end, humans are no less

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trapped by light pollution than the frogs in a pond near a brightly lit highway. Living in a glare of our own making, we have cut ourselves off from our evolutionary and cultural patrimony, the light of the stars and the rhythms of day and night. In a very real sense, light pollution causes us to lose our sight of our true place in the universe to forget the scale of our being, which is best measured against the dimensions of a deep night with the Milky Way, the edge of our galaxy arching overhead." By supporting the proposed legislation, we will be able to restore at least in part the natural cycle of darkness in New York City that is required to save life on our planet. Thank you.

CHAIRPERSON RICHARDS: Thank you. Well said.

SUSAN ELBIN: Good afternoon and thank you, Committee Chair Richards and Committee members for inviting New York City Audubon to testify in support of this proposed bill. My name is Doctor Susan Elbin and I am an ornithologist and the Director of Conservation and Science for New York City Audubon. We represent 10,000 active members in the city's five boroughs, and our primary mission is

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to protect wild birds and habitat within the city
improving the quality of life for all New Yorkers.
We focus on migratory land birds, particularly song
birds and water birds. The Introduction of 0578-2014
directly affects migratory land birds and has the
potential to create safer passage for them through
New York City. New York City lies within the
Atlantic Flyway, and area through which hundreds of
millions of birds pass each year during migration,
birds that are federally protected under the
migratory bird treaty act. These birds face
significant risk, though, in flying through the
cities where there's artificial light and collisions
with manmade structures. New York City Audubon has
estimated that between 90,000 and 243,000 birds die
every year just in New York City because of fatal
light attraction or collisions with buildings.
That's a lot of birds. Most land birds migrate at
night. They use natural cues from the environment to
help them orient and navigate through the sky. When
nights are foggy or rainy and the winds are weak,
birds fly at low altitudes and artificial light
becomes deadly. Drawn off course by artificial
lights, birds may land exhausted from flying around

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and around in the lights. They may crash into buildings or they may crash into glass in the following day. A groundbreaking study conducted by the Field Museum in Chicago show that by turning the lights off in one building, the number of bird kills dropped on average by 83 percent. Growing awareness of light's fatal attraction to birds has led to action. New York City Audubon inaugurated Lights Out New York in 2005. Over the past 10 years, a number of the city's iconic buildings and actually landmarked buildings, including the Chrysler Building and Rockefeller center have voluntarily turned off their lights during migration to save birds. We know that artificial light influences bird behavior during migration in New York City. Every September 11th, New York City Audubon monitors the city's tribute and light memorial. We watch these beams of light all night and often witness thousands of birds circling in the lights, stuck until the lights are momentarily turned off and the birds pass through. Studies have often shown how different colored lights and often different patterns of lighting affect bird's behaviors and affect them differently. On April 27th, 2015, Monday of this week, New York Governor

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Andrew Cuomo signed into law the Marcilino [sp?] Bill to curtail light pollution from state buildings. State owned and managed buildings will not turn off non-essential outdoor lighting from 11:00 p.m. to dawn during the time of peak migration. Today, this committee is considering bill number 578 to amend the administrative code of the City of New York in relation to lighting, nighttime illumination for certain buildings, or limiting, sorry. I'm sure that lighting causes light trespass sky glow which obscures night sky views and road glare. Fatal light attraction produced by excessive outdoor lighting is indisputably deadly for migratory birds, causing well over 600 million bird fatalities across the country, across the United States every year. New York City Audubon supports the adoption of Bill 578. Lights Out for Energy is a good first step, but we urge the committee to do more and to follow the example set by the Governor. We strongly urge the committee to revisit the list of exceptions to the proposed law. We urge you to remove or at least restrict the exemption for buildings that are part of this city's skyline or 20 or more stories in height. These exemptions essentially permit tall buildings to

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attract and kill birds. These buildings create beacons of light within the urban glow, exactly what distracts birds from the migratory route. We recommend that buildings extinguish essential-- unessential or decorative exterior lighting starting at 11:00 p.m. during bird migration. Also, in situations where individuals are inside of a building at night, we suggest those occupants use task lighting at their desk or close the window blinds. Shieldless street lights of course also help reduce light pollution. Thank you for the opportunity to speak for the birds.

CHAIRPERSON RICHARDS: Thank you. And I'll just ask a question and we can go down the line. And I hope birds leave my car alone, being that I am definitely aiding them today. In the morning, they have fun on my car, you know, but I don't mind. So I'm very grateful that you guys mentioned some of the things that you thought we could implement as well outside of this bill, and we certainly will take a close look at them. Can you just go through--so what other areas outside of what we spoken of today, and I know you sort of spoke of we can follow something the Governor has done, but are there any other things

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that you suggested we can do to work with buildings to reduce their carbon footprint, and do you think that the city is adapting well to addressing climate change? And do you feel we can do better?

UNIDENTIFIED: Well, I think that turning off the lights is a huge step toward addressing climate change and using less energy of course has that snowballing effect of needing [sic] to mindless energy or however we get it. So it reduces pollution, reduces mercury pollution in the waters, and it's just a huge step forward. As far as the city fighting climate change, I think we--we are leaders, and I think that we need to just continue. I thought New York City was going to come out before the Governor on Lights Out New York.

CHAIRPERSON RICHARDS: Interesting timeline--

UNIDENTIFIED: [interposing] Yes, it is interesting--we knew about this first, though.

CHAIRPERSON RICHARDS: Thank you. And we can go down. If you don't have anything to add it's fine, but we--

UNIDENTIFIED: Well, I can't speak with any depth of knowledge in terms of the city's

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policies, but I do have to say that I was struck by what Mr. Lee said about the optics in terms of the demonstration effect, that you know, New York City is--there's no other city like New York City. There just--in my opinion there isn't. And if this city leads and it takes steps and it makes the extra effort, it will have a tremendous impact nationally and globally, I believe.

CHAIRPERSON RICHARDS: Thank you.

UNIDENTIFIED: Can I just add one point?

CHAIRPERSON RICHARDS: Yes.

UNIDENTIFIED: In terms of future initiatives on buildings, we know we have Local Laws 84 and 87 with regard to buildings with 50,000 square feet or more. It's my understanding that there is now an initiative to lower that threshold to 25,000 square feet. Together, the 50,000 and the 25,000 square feet or more buildings comprise about 40,000 buildings in New York City. That leaves 960,000 buildings. So my recommendation would be to also focus on how we can retrofit those 960,000 buildings, and then also with regard to new green building design, passive house certification and/or net zero energy for our vertical buildings to achieve net zero

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energy would require essentially passive house certification. So with the new fall schedule, those would be some suggestions for reducing emissions from our buildings.

CHAIRPERSON RICHARDS: Thank you all for your recommendations, and we'll call the next panel. Thank you. Alrighty, we'll hear from United for Action, Ling Tsou. Then we'll hear from Susan Harder from 2DA [sic], I believe, and Catherine Skopic from the People's Climate Movement New York City.

SAMARA SWANSON: Please raise your right hands. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today?

UNIDENTIFIED: I do.

CHAIRPERSON RICHARDS: [off mic] your mic.

LING TSOU: Thank you.

CHAIRPERSON RICHARDS: [off mic] shouldn't be lit either.

LING TSOU: My name is Ling Tsou. I'm Co-founder of United for Action, an all-volunteer grassroots advocacy group in New York City. Thank you for the opportunity to testify today at the hearing of Intro 578. Our country leads the world in wasting energy. The United States has an energy

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efficiency of only 42 percent, which means 58 percent of all the energy we produce is wasted. Every industry including manufacturing, transportation, residential, commercial has contributed to the wastefulness of this country. We should not be proud of the fact that US is the least energy efficient country in the world. We should do something about it. If each of us is able to make at least one change in our daily lives, the energy saving can really add up. We all know the sensible thing to do is to turn off lights when we leave a room. Yet, I see many office or commercial buildings in the city lit up like daytime in the night after everyone has gone home. I often wondered why the building management wouldn't simply turn off the lights at night and save energy. Now the lights will be turned off if this bill passes. Even though renewable energy is growing rapidly, the bulk of our power is still produced from fossil fuels, which lead to harmful greenhouse gas emissions. The city has passed a bill mandating greenhouse gas reduction of 80 percent by 2050. Passing this bill will go a long way towards helping the city to achieve this goal. Since I read an article that 37 percent of the city's

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greenhouse gas emissions come from commercial, industrial or institutional buildings, but I heard Chairman Richard said today it's like 70 percent. So it's much higher than 37. As of July 2013, Paris, the City of Light, began turning off its lights at night. In addition to saving more than 260 million dollars annually, the city of Paris expected to cut 250,000 tons of carbon dioxide each year. Paris is about a fourth the size of New York City. If this bill passes, the monetary and greenhouse gas emission savings in New York City would be proportionately greater. Paragraph four in this bill states that if there are individuals inside a building at night, then lights stay on until these individuals leave. It would appear to be such a waste of energy if lights in the entire multifloor building remain if there is just a few individuals still working in certain parts of the building. We recommend the bill be amended to require the installation of occupancy or motion sensors such that lights will be turned off 30 minutes or one hour after there is no motion in a defined area. The energy savings would be so much greater than the cost of installing these motion sensors. Climate change is a reality. There is a

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great--this is the greatest threat to human civilization and existence as we know it. If we continue to live and do things as we have always done, our way of life is surely not sustainable. Empire State Building is not about to go dark, nor will the iconic landmark skyscrapers that define New York City skyline or lights for security. The wasteful and unnecessary lights in the buildings in the city will be dimmed. This is the least we can do. This bill helps us take a step in the direction to reduce greenhouse gas emission, air pollution and light pollution in the city. Energy conservation is one of the best ways to combat climate change. Thank you.

CHAIRPERSON RICHARDS: Thank you so much

CATHERINE SKOPIC: Thank you, Legislative Counsel, Samara Swanson [sp?], Chair Donovan Richards, Council Members Chin, Constantinides, Gibson, Levine, Mendez, Johnson, Rodriguez, Rose, Van Bramer, Williams, and all others who have signed this legislation to limit nighttime illumination for certain buildings. My name is Catherine Skopic and I'm a member of the People's Climate Movement. Yay [sic]. The night skyline of New York City, there's

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nothing else like it. Many of us have felt a sense of pride in its beauty. However, now that we are in this climate crisis, we see these lights as something else. We see them as wasteful of energy. Keep them on when needed, turn them off when not. Logical and smart. What this bill is about, and why I and the thousands of people I represent applaud the New York City Council for having introduced this legislation and for the occupancy light sensor bills that have already been written and will be coming up soon. In case we didn't know before, the recent IPCC report has made the seriousness and urgency of our climate crisis clear without a doubt. We must reduce carbon. Conservation is the easiest least costly path to reducing greenhouse gases, and reducing nighttime illumination in certain buildings helps us get closer to the goal of 80 percent reduction by 2050. A group of us recently took a tour of the new NYISO [sic] facility outside Albany. That's the New York Independent Service Operator, the not for profit corporation that is responsible for operating the state's bulk electricity grid. It was explained to us how New York State could be compared to an hour glass. The upper portion, being more than New York

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State where most of our electricity is produced. Then there is the bottleneck leading to the lower portion, New York City and Long Island. We have the energy upstate, but it's tough to get it through that narrow gateway to New York City where leaded, and this is why our electricity is so expensive, why we have to start generating our own electricity renewably, introduce CCA's, that Community Choice Aggregates, and why this bill for conservation of our energy is so essential. What energy we do have and can use sustainably needs to be spent wisely, going to schools, hospitals, libraries, and such, and not be foolishly wasted. Indian Point is the only nuclear power plant in the county with a reactor operating without a license, and that's since 2013. Its other reactor expires this December. We have renewables to replace Indian Point. Also, by simply turning off lights when not needed, we could save approximately six percent energy we get from Indian Point at peak. How glorious would that be, to not only save energy, but also to at last comfortably close Indian Point. In closing, I have a button I made for you that reads, "Conserve nighttime

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lighting." And I hope and pray we do. Thank you.
Can I bring this to you now?

CHAIRPERSON RICHARDS: Thank you, and I
will wear it. I will put it on right now.

[off mic]

CHAIRPERSON RICHARDS: Now, I hope I
don't stick myself. Alrighty. You may begin.

SUSAN HARDER: Hi, I--this has all been
music to my ears. Good afternoon. I'm Susan Harder.
I'm a 35 year resident and business owner in New York
City and the New York State Representative of the
International Dark Sky Association as well as a
trained lighting designer, and I'm here to support
the proposed legislation. You may question what Dark
Sky has to do with interior lighting. While the IDA
was first organized over 30 years ago to protect the
night sky for astronomers in Tucson, we have evolved
to include civic leaders, health professionals,
environmentalists, and lighting professionals in
order to help educate the public and municipal
officials about all aspects of light pollution, which
includes glare, light trespass and excessive and
unnecessary night lighting. Our goal is to advocate
for the wise use of energy to provide good night

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vision for safety and to protect human health, flora, fauna, and the nighttime environment, and as a result you can see stars in the night sky. Horizontal light emissions hit more particulate and actually contribute more to urban sky glow, that overhead cloud of light that obscures the stars than direct vertical light. Light also travels great distances, which is why we can see stars a million miles away. Light from adjacent commercial buildings can trespass into bedrooms. The city is primarily zoned residential. The city may never sleep, but its residents do, and light at night disrupts circadian rhythms, affecting our health and wellbeing and has been shown to increase cancer rates due to melatonin suppression. The AMA has even classified light at night as a carcinogen acting like a drug. One more aspect that has been studied in Los Angeles, is that light emitted at low altitudes actually prevents a chemical cleansing of air pollution. Regarding--we need to be careful about using the term "security lighting" because lighting without other measures only provides a sense of security, not real security. In fact, lighting up a deserted area only makes it more susceptible to vandalism, break-ins, graffiti,

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the loitering. Also, security cameras work perfectly well with motion sensor activated lighting. My hope is that you can follow up this legislation with other measures to further protect the city residents from the effects of glare from unshielded fixtures, to provide professional recommendations for light levels, for safety without excess, and to make our city safer and more beautiful at night. And we can bring our stars back. Neil De Grasisen [sp?], the well-known director of the Hidden Planetarium in the Rose Center said that he became an astrophysicist because he could see the stars as a young man in the Bronx. We can restore that experience for our children. I have a few minor but important suggested changes in the legislation in order to avoid unintended consequences, which I have given to your counsel, along with a couple of articles, and a satellite view of New York City. They are actually able to measure the amount of light hitting the satellite, and they've estimated that we are sending one third of our light up to the satellites. You know, that's one third that we could certainly save. The International Dark Sky Association is a good resource for information about what other communities

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have accomplished to reduce light pollution including from street lights like the new LED's, and we look forward to working with you on other measures that can help us use energy wisely. Thank you.

CHAIRPERSON RICHARDS: Thank you so much. And I guess I'll ask the same--well, I guess you just went into a little bit. Do you believe that building owners, and I guess each one of you can answer this--

SUSAN HARDER: [interposing] I'm actually-

-
CHAIRPERSON RICHARDS: Do you believe it's hard for them to turn the lights off?

SUSAN HARDER: I'm actually a building owner, and many of my buildings have commercial businesses in them, and I just can't imagine why it wouldn't be a sensible measure to have it mandated by law and fines instituted.

CHAIRPERSON RICHARDS: And do you save money? Would they save money?

SUSAN HARDER: I think--I've never seen a situation, and as a lighting designer I've been involved in this for quite some time. I've never seen a situation where someone could not change their lighting and it would pay for any of the retrofits

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that would be required, because there are lighting controls of every conceivable type, even own to the minute of dusk and dawn. And next week they're having Light Fair at the Javet [sic] Center, and if you go there as I will be going, they--every single year they come out with fantastic new lighting controls and new technologies that really need to be implemented in this city.

CHAIRPERSON RICHARDS: Thank you.

LING TSOU: I think--sometimes I wonder if some of the business or building owners thought that it's by law they have to keep the lights on. You know, and I also think it's just a force of habit that people have always done things certain ways, and it's really hard for them to change until they are required to change. I think, you know, anyone who thinks this through and sensibly, I do not see why people wouldn't want to turn off lights, which is not needed. We're talking about unnecessary wasteful [sic] lights [sic] where they can save money, and then that money can be used to increase surveillance or whatever safety security measures they need. I think the total savings actually will outweigh the

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cost of, you know, installing whatever new equipment they may need.

: As one who works with the faith community when I was environmental Chair-- environmental group for the diocese of New York, we had a conference on building efficiency, and there was one person there who reported that a congregation member donated to their church all LED lights and light sensors. That church--it was a small church-- saved over 10,000 dollars a year with LED lighting and light sensors, and that was one small church. So to answer your question about savings, yes, big time. With LED's and light sensors, a lot of money can be saved to save [sic] nothing of the energy.

CHAIRPERSON RICHARDS: Thank you so much. I appreciate your testimony. Try to call in the former French Minister of Ecology, Sustainable Development and Energy from France. Its nine o'clock there I think now, right? Around nine o'clock? And we'll have the translator come up, Mr. Red Helm Cadush [sp?]. Anybody understand French, can translate? I got a B in French, but-- just bear with us for one moment. Alrighty, we're going to call the next panel as we try to sort out this thing. We'll

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hear from Ann Lazarus and also Kim Fragzezic [sic] from Sane Energy Project. Fraczek, I'm sorry, you wrote it the right way, Fraczek, Kim Fraczek, Sane Energy and Anne Lazarus.

SAMARA SWANSON: Not yet. Can you please raise your right hands? Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today? We have Ken--we didn't call Ken up yet. Okay. Is this Ken? Could you proceed, Kim?

KIM FRACZEK: [off mic]

CHAIRPERSON RICHARDS: Hit your mic.

KIM FRACZEK: There we go. My name is Kim Fraczek. I'm from Sane Energy Project. We oppose the extraction, transport and export of shale gas, and we support a renewable energy future for New York City. Chair Richards and Council Members, thank you for the opportunity to offer comment today. Sane Energy Project wholeheartedly supports Bill 578, the Lights Out Bill. We applaud the Council's efforts to eliminate wasteful energy use as well as light pollution, as this will result in lowering both our carbon footprint as well as bird strikes, and could even result in New Yorkers getting a better night's sleep. Regarding energy savings, elsewhere in the

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developed world, even in cities, less nighttime illumination is standard. The use of efficient lamping such as LED's and fluorescents as well as motion detectors inside and outside buildings is ubiquitous. New York must move in this direction. However, we must balance the need for safety and security as well as the benefit of tourist dollars with the need for energy savings. The Council has therefore included some common sense exceptions to the rule. We will comment on the exceptions-- exemptions. Section Two, landmarked buildings may be exempted by applying for LPC for a waiver. As architecture geeks, we wholeheartedly support this exemption. However, even iconic landmark buildings could be shut off after midnight. Some of us are old enough to remember when midnight was gauged by the Empire State Building going dark, keeping only the top of its radio tower lit. Saturday Night Live's original opening sequence even celebrated that shut off time. We can revive that tradition. Section Three, building owners may apply for an exemption for security lighting to be coordinated with police. We agree that security must be a top concern. We hope that businesses are exempted will be directed to use

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motion detector lighting that constantly or overly bright flood lighting will be prohibited. Section Four, while people remain inside, interior and exterior may remain illuminated. Smart security measures for office workers and business owners who work late are a must, however, especially in large office buildings with security personnel, the use of graphic eye systems. Sunset sensing lighting, motion detectors, etcetera can automatically respond to changing seasonal daylight and greatly reduce energy waste. Only floors where people are working should be allowed to remain lit. All others should go dark. Most forward-thinking businesses have already implemented such measures at cost savings to themselves. These systems should be mandated for larger businesses who can afford them. Regarding bird strikes, the American Bird Conservancy notes collision with glass is the single biggest known killer of birds in the United States claiming hundreds of millions of more lives each year. The problem with bird collisions with glass is greatly exacerbated by artificial light, particularly during migration or on foggy nights when the cloud base is low. In conclusion, while preventing bird strikes is

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important and this bill will help that, the real threat to birds and species of all kinds, including humans, is climate change. Reducing wasted energy that causes global warming is the real benefit of the Lights Out Bill. Thank you for sponsoring this bill. We strongly urge all members of the council to vote yes and pass it unanimously. Thank you.

KEN GALE: Thank you for holding this hearing and for the opportunity to speak on Bill Number 578 to reduce nighttime illumination in New York City. My name is Ken Gale, and I am the founder of the New York City Safe Energy Coalition and the host and producer of the environmental radio show, Eco Logic, on WBAI FM here in New York City. When the City Council passed the bill reducing greenhouse gas emissions by 80 percent, I was glad to endorse it and get others to endorse it, and waited impatiently for supporting bills to get to that goal, and when I first heard about the Light Out Bill we're talking about today, I looked forward to supporting it and drumming up still more support. It's about time that waste was stopped. I figured it was a no-brainer since it would save people a lot of money, and I figured no one would weaken this bill very much

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except for maybe the utilities. I was naïve. I admit it. I'd like to support this bill, but I won't. It's the exceptions. It's as if the bill didn't exist, and I'm afraid it will never be improved if passed in its current incarnation. Building owners just pass along the cost of the wasted energy. Tenants chalk it up to the high cost of doing business in New York City. Let's lower that cost. The exceptions for small stores, seasonal displays and equipment requirements don't bother me that much, but the exception for "Four, where individuals are inside of a building at night" bothers me a lot. Pretty much all office buildings have someone inside somewhere every night. Why not require motion detectors. The money saved will pay for them many, many times over. It would be a net gain. Clearly building owners and tenants are not going to install them unless required or the exception would not have been written in. So require them like smoke detectors are required. That would save tenants money. They save building owners money, and they reduce New York City's greenhouse gas emissions, because power plants don't have to burn as much to meet that wasteful demand. Reducing

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greenhouse gas emissions is good for our health, because clean air is healthy air. It's good for business in another way, because healthy workers are more productive. Please improve this bill before passing it, please. If the bill has already been improved to require motion detectors since the version on the City Council website was put up, I withdraw my opposition. When the air and water are clean, thank an environmentalist. If not, become one. Enough said. Thank you. And I do want to add one other thing. I got the impression the guy from the food industry alliance just does not believe that his--the people he represents would save money with motion detectors. So some education is needed there.

CHAIRPERSON RICHARDS: Yep. That's why I raised the energy audits. Yes, ma'am, you may begin.

ANNE LAZARUS: Okay. I support the reso-- oh. I support the resolution due to unnecessary lights in buildings in New York City, and I do agree with Ken Gale, especially the Section Four where if one person is in a building, a whole building has to be lit up. It just makes no sense to me. These lights require the burning of fossil fuel and contribute to the crisis of global warming and

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climate instability. The burning of fossil fuel also causes an increase in pollution and health consequences of pollution, and noticeably the light pollution, because it doesn't allow us to make our melatonin, and that can cause a lot of illnesses as well. Lights Out programs have been successfully implemented in Toronto, Canada and Chicago, so I don't know what the big problem is here, you know, why people oppose it. The New York City Audubon Society also supports the program. Migratory birds are attracted to the lights with fatal consequences. They either crash it--you know, they hit the windows and usually die or are seriously injured. They also can fly around these buildings so they're seriously exhausted. I worked with the New York City Audubon Society one season and picked up many of the injured birds. Most of them were dead. A very few were saved. Even the ones we saved and released, you never can be sure. The first bird I found was a deceased American Woodcock, and they do hit those little window panes on the street. SO maybe we could do some programs to encourage the implementation of pigments that reflect ultraviolet light, because that birds can see and we cannot. The first bird I found

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was that deceased Woodcock. Now, these birds really help us. They eat the insects that damage the farmer's crops, and we're talking about migratory rate. I mean, crows also eat more insects when they don't hit the windows. The raptors eat the rodents that also cause damage, and many of these species pollenate the food we eat and help disperse the seeds. They have a right to live. I mean, even without the services they provide us and they provided free of charge. So there really--it's just absolutely no reason why anyone would not support this program. And besides, it saves the businesses money on their electric bills. Thank you.

CHAIRPERSON RICHARDS: Thank you so much for your testimony. And I would just go in and I'd just raise the question. How do you believe we're adapting to climate change? And you can give probably just one thing you would--one more thing you think we can be doing to work with the building sector that we may not be doing.

KIM FRACZEK: I think we--I mean, we really need to be stopping the shale gas infrastructure here in New York City, and we have to stop--we need to start putting renewable energy as

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the forefront and not be thinking of replacing gas infrastructure here in New York City as something that's looking towards the future or any type of bridge whatsoever. This is--I'm really disappointed to see that this is something that the city is looking towards for the future, because as we know pipelines explode and the gas is poison, poisoning our human and non-human families.

KEN GALE: I would suggest cable boxes.

Right now, cable boxes use about 20 watts of power whether they're off or on. In California, they have cable boxes that use only one tenth of that when they're off. They're done by the same manufactures, have all the same abilities. There's no difference other than the fact that they don't waste energy. Andy Peidi [sp?] of Steve Winter Associates spoke to the New York City Safe Energy Coalition. His calculations say that if we switched our cable boxes with that type, we would save more energy than Indian Point supplies to New York City. It'd be an easy thing to do.

CHAIRPERSON RICHARDS: Interesting. I always have this debate with my wife too on the cable box. I unplug it.

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KEN GALE: Yeah, that does it.

CHAIRPERSON RICHARDS: I'm saving energy,
so I'm glad to hear that. I will--

KEN GALE: [interposing] Saving a lot of
energy.

CHAIRPERSON RICHARDS: later.

ANNE LAZARUS: Oh, how we can save?

SAMARA SWANSON: Yes.

ANNE LAZARUS: Well, first of all, I
think people also put on their I--they charge their
cellphones all night long. We do all kinds of things
to waste energies, just keeping lights on when we
shouldn't. And just using these devices all day long.
We really don't need to do this. You know, I mean,
we personally, our personal habits of just--our
personal use of electricity.

CHAIRPERSON RICHARDS: Thank you so much
for your testimony, and I appreciate it and look
forward to working with you guys to reduce energy
consumption. Conservation, conservation. Thank
you. I like the cable box idea, though, even though
that may be like state, but. [off mic] ready to put
the French, former French Minister of--where's my
paper at--of Sustainability on and her name is

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Delphine Batho, Batho. I said it in Spanish. Did I say it right? I got it right? Okay, got it. Try to do Skype, but you know, we're not there yet. We got to get the Council going. We're going to work on that.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

CHAIRPERSON RICHARDS: Bon jour.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French] Yes, sir, she's ready for answering the questions.

CHAIRPERSON RICHARDS: [speaking Spanish] Oh, no that's Spanish.

TRANSLATOR: [speaking French]

CHAIRPERSON RICHARDS: I messed up. [speaking French] Donovan Richards, Councilman, City Councilman Donovan Richards.

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

CHAIRPERSON RICHARDS: So we are going to -so we are here. Welcome. You are in the middle of a New York City Council hearing.

TRANSLATOR: [speaking French]

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DELPHINE BATHO: [speaking French]

TRANSLATOR: Great pleasure for me to
hear from--

CHAIRPERSON RICHARDS: Yes. And so we're
speaking about Lights Out.

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French] Madam.

CHAIRPERSON RICHARDS: Okay. So one of
the--the first question I wanted to raise is how did
France enact this policy on Lights Out?

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French] She says
that what interest you is the measures that have bene
taken regarding the electricity reducing during the
night.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French] One of the
best things that makes sense is when the offices are
closed after work should be turned off.

DELPHINE BATHO: [speaking French]

TRANSLATOR: So, this measure came up
with Paris. Anyway, the conception of 550,000 year of

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population inhabitation, 550,000 conception of these people. [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: In this previous years we have noticed that our conception has double rised [sic] and it's more than 64 percent of that. In the previous years, it rise to 64 percent.

DELPHINE BATHO: [speaking French]

TRANSLATOR: So they ask all the offices to switch off the lights one hour after leaving the areas.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: Ah, right.

DELPHINE BATHO: [speaking French]

TRANSLATOR: All the show rooms, all the lights outside should be turned off at one o'clock in the morning.

DELPHINE BATHO: [speaking French]

TRANSLATOR: We have some exceptions like the main places like [speaking French] is one of the financial districts. We have made some exceptions to light them during the whole night.

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COMMITTEE ON ENVIRONMENTAL PROTECTION

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DELPHINE BATHO: [speaking French]

TRANSLATOR: As real as some lights,
Christmas, some special lights [sic] like Christmas
and so on. Madam?

DELPHINE BATHO: [speaking French]

TRANSLATOR: This measure we applied it
on July 1st, 2013.

DELPHINE BATHO: [speaking French]

TRANSLATOR: We make some fines when it's
not being respected, some fines.

DELPHINE BATHO: [speaking French]

TRANSLATOR: For the moment--

DELPHINE BATHO: [interposing] [speaking
French]

TRANSLATOR: We are not giving the fines
right now, but we are trying to simulate [sic] people
to do so. That we are going to give the fines later
on.

DELPHINE BATHO: [speaking French]

TRANSLATOR: Currently, after inspecting
all the areas, we got unsatisfied. They are not
satisfied about the results for the moment. We are
trying to--

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DELPHINE BATHO: [interposing] [speaking French]

TRANSLATOR: for better numbers.

DELPHINE BATHO: [speaking French]

TRANSLATOR: It's a measure that has been taken by the whole country, not some states by themselves. [speaking French] Madam?

DELPHINE BATHO: [speaking French]

TRANSLATOR: We are trying also working with some companies, state companies, as well as the private companies to reduce their budgets in electricity.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: We are trying to sensibiliate [sic] to the companies in an entertaining way like showing or display their budgets on the internet, how many money they are going every minute.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

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TRANSLATOR: I think that you have more questions to ask about that. That may interest you more.

CHAIRPERSON RICHARDS: Yes, so I wanted to know a little bit about vision [sic], so when you try to enact, what was some of the concerns from people, the City of Lights, Paris, or in France?

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: All our big concern is we would really like to make a good policy for the economy energy, yes.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: Currently there exists some brilliant technologies like networks. [speaking French] Madam?

DELPHINE BATHO: [speaking French]

TRANSLATOR: So this technology is called efficiency of energy and it's a mix between digital and electricity.

DELPHINE BATHO: [speaking French]

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TRANSLATOR: New York is a modern count--
city. It is an example around the world, and they
can give us a better use in the energy.

CHAIRPERSON RICHARDS: Can she just go
into--so what made them, what made her enact--what
made them choose to enact a policy to reduce their
light, their lighting?

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: She says that the best way
is to light the building is to get them far from
where the heaters are, central heatings and other
things.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: So, the best way even if we
are trying to use this technology is to change
behaviors of people, not the machines.

CHAIRPERSON RICHARDS: Great.

DELPHINE BATHO: [speaking French]

TRANSLATOR: She said-- [speaking French]
Madam, continue.

DELPHINE BATHO: [speaking French]

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TRANSLATOR: We need to have this reflection and to behave in a good way like to switch off the lights, because we know that it's expensive and an intelligent way.

CHAIRPERSON RICHARDS: Great. Can she go into cost saving? Did any buildings report cost savings by turning off their lights, and did the city generate any money? And then that's it. Did building owners who had to turn their lights off generate cost savings or save money? Did they save money? And did the city actually reap benefits? Did they take in any beneficial money from the city turning off the lights?

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: What I was talking about in the beginning, it's only one measure amongst many other ones, and it concerns particularly the office buildings than particular buildings.

DELPHINE BATHO: [speaking French]

TRANSLATOR: Concerning the buildings where people live, we are doing some financial ads to place some other machines that consume less energy than the one they used to have before.

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CHAIRPERSON RICHARDS: And did--and I guess my last question is how much greenhouse gas emissions did they reduce by enacting the law?

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: We have reduced more than 250,000 tons [sic] of CO2.

CHAIRPERSON RICHARDS: Wow. Alright. My last, last question--

DELPHINE BATHO: [interposing] [speaking French]

TRANSLATOR: Our calculation is the French way, its nuclear energy. That's how our nuclear energy doesn't produce much CO2.

DELPHINE BATHO: [speaking French]

TRANSLATOR: In comparison with other countries where they produce electricity with much more CO2, so it will be more than ours.

CHAIRPERSON RICHARDS: Great. And last question, can New York City do this?

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

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CHAIRPERSON RICHARDS: We [sic], I know that word.

DELPHINE BATHO: [speaking French]

TRANSLATOR: So, I think so New York City can do so, and for example, Time Square shouldn't be in dark at night.

CHAIRPERSON RICHARDS: [laughing]

DELPHINE BATHO: [speaking French]

TRANSLATOR: When they announce this on television and other medias, everybody was anxious to see [speaking French] like Time Square in the dark of night.

DELPHINE BATHO: [speaking French]

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: So, when we make such announcement, we need to make explanation to the public eye that we have some particular cases that we need to respect [sic] like Time Square.

DELPHINE BATHO: [speaking French]

TRANSLATOR: The second part is the question of security as well.

DELPHINE BATHO: [speaking French]

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TRANSLATOR: Especially that we are
anxious about delancy [sic] at night.

DELPHINE BATHO: [speaking French]

TRANSLATOR: They explain to people that
the light streets will stay a part of this solution,
about these measures.

DELPHINE BATHO: [speaking French]

TRANSLATOR: The streets and the big
boulevards will stay lighted. We are talking about
the big buildings and offices.

CHAIRPERSON RICHARDS: Well, [speaking
French], Madam [speaking French] Delphine Batho.

TRANSLATOR: [speaking French]

CHAIRPERSON RICHARDS: Merci for your
leadership.

DELPHINE BATHO: [speaking French]

CHAIRPERSON RICHARDS: Merci for Lights
Out. Merci for--I think now France requires all
buildings to have solar panels. I think that was like
something--or green roofs. Or green roofs.

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: The best in your work.

CHAIRPERSON RICHARDS: Merci.

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DELPHINE BATHO: [speaking French]

TRANSLATOR: She's--

DELPHINE BATHO: [interposing] [speaking French]

TRANSLATOR: She says that also we have--

DELPHINE BATHO: [interposing] [speaking French]

TRANSLATOR: two other examples of energy consumptions as well as in Korea as well as in Japan in big cities too.

DELPHINE BATHO: [speaking French]

TRANSLATOR: Other interesting things that we need to look at.

CHAIRPERSON RICHARDS: Well, merci, and I look forward to coming back to the City of Lights, Paris, again, where it is safe even with building lights out.

TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: She says that we are facing some terrorism problem, being another nature in another appearance [sic].

CHAIRPERSON RICHARDS: Yes, yes. Well thank you so much, merci.

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TRANSLATOR: [speaking French]

DELPHINE BATHO: [speaking French]

TRANSLATOR: She says thank you.

DELPHINE BATHO: [speaking French]

CHAIRPERSON RICHARDS: [speaking French]

[applause]

CHAIRPERSON RICHARDS: So, I guess--I

don't even need to speak why we should do this
anymore, because France is telling us what we need to
do. They've shown leadership on what we can do. And
it is true, I literally had to go out to find a
charger one night for my phone because you need a
different kind of charger in France, which I wasn't
aware of. I thought I would be able to, you know,
have my charger and charge it, and I was certainly
lost in the City of Lights, and very little people
spoke English, but I found a security guard outside
of the building smoking a cigarette with the lights
out in the building, and he directed me to a store,
and I found my charger safely. Probably walked
around for around a half an hour to find that. So
good memories in Paris. Alrighty. Alright, we're
going to call our next panel which is James Karl.
Wow, this is--is this your name? Fischer Airiba

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[sic]. Oh, you're from AIA. Okay, got you. I thought this was all your name on the first line. Say that's unique. And you're representing the Zoological Lighting Institute. Welcome. We'll also call Mary Ellen Cronly [sp?] from United for Action in Private Citizen. Gayle Clymer [sp?] from Seline [sic], New York City. Exciting, wasn't that. Brought back memories. Begin, sir.

SAMARA SWANSON: Can you please raise your right hand? Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today?

JAMES FISCHER: Thank you very much for the opportunity to speak today on this issue. It's wonderful that it's being discussed. My name is James Fischer. I am the executive director of the Zoological Lighting Institute, which is a nonprofit dedicated to supporting photobiology and photo-ecology research for the purposes of animal welfare and wildlife conservation. In addition to that, I'm an architect currently residing over the Royal Institute of British Architects, US Region. My point in speaking today, I actually have two points to raise. One is to underscore the importance of

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regulating light pollution for wildlife conservation,
and secondly, to underscore the role that good
architecture plays in biodiversity maintenance in
general. Under Canadian law, light is actually a
regulated form of radiation. It's a pollutant. It's
a pollutant like any other that needs to be
controlled. In this year of bio--year of light, the
United Nations Year of Light and within the decade of
biodiversity, it's important that development
recognize its role in maintaining life on the planet.
Light affects wildlife in at least three ways. The
first way is physiology. It changes the physiology of
animals, of animal life. What that means is that if
you alter natural lighting cycles you're going to
increase disease within individual species, reducing
the fitness. Secondly, light affects the sensory
ecology of animals, how they map space. That
primarily means how they find food, how they breed.
If you change that, you reduce biodiversity. You
reduce the habitat complexity and so you reduce the
biodiversity complexity. And finally, artificial
lighting affects the activity partitioning of animals.
That means that both in time and space you get
different concentrations of animals in different

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places. What that means in terms of development is that if you light New York in ways that affect wildlife, you're going to change ecosystems from South America all the way to Canada. It's not just the local issue, as important as the local issues are. Now, in order to be brief, a lot of very intelligent things have been said today, I think. And so in terms of solutions, I'd like to skip right into that. We've heard several speakers already mention that we should move over into controls, control systems. Intelligent control systems, whether that's on street lighting or with inside the buildings will go a long way to both reducing energy consumption and carbon emissions. But it will also allow for the control of light in ways that have less impact on both animals and the ecosystem. Secondly, qualitative issues need to be attended to. Light isn't just light. Light qualities matter. The frequencies of light matter. High frequency lights that are typical of the white fluorescent LED's currently going in our cities are particularly damaging in that they replicate daylight. If they replicate daylight, you don't have the full cycling of light. Starlight is as much light as sunlight.

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So those light qualities at night are lost when that high frequency daylighting represented by the LED technology that's currently in use is deployed. Finally, and this may seem like somewhat of an extreme position, unprotected glass must be prohibited in New York. We've heard earlier on that--let's say a billion, a billion of birds a year, hundreds of millions of birds die every year against glass in the US alone. Unprotected glass is the cause of that. That's what was legislated in Toronto, for light pollution reflected daylight as a form of radiation. There are many guidelines across the country now, San Francisco, San Jose have passed bird friendly guard lines, but none of them get to the heart of the matter. By protecting the glass either through Frit [sic] on the glass or through shading, shutters, you not only prevent the bird deaths directly, but you also provide the opportunity to reduce the emissions from the building both of energy--for energy losses and for light trespass. So, the bill is a wonderful bill and I support it completely, because we need to take these first steps. The next step, as an architect, and in terms of the biodiversity loss mitigation programs that are

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trying to get underway through the Royal British Architects, would absolutely urge the inclusion of shuttering and shading on buildings, in addition to the controls and attention to the qualitative issues, low frequency at night, high frequency in the day. Thank you very much.

CHAIRPERSON RICHARDS: Thank you.

MARY ELLEN CRONLY: I want to really thank all the City Council Members and this Committee for addressing this issue of--that's causing global climate change. I'm here representing--I volunteer with United for Action, and you know, we're volunteers because we're so concerned about the issue of carbon emissions and so forth, and I'm certainly am thankful that this bill is being proposed. The only criticism I would have is that it doesn't go far enough. I was--I recently had the good fortune of being on vacation in Budapest, Hungary, and that's a city that has a lot of beautiful buildings and one of the main attractions is to have a river cruise at night where all the buildings are lit up, but they-- understand that they turn their lights off at night. They turn off all the iconic buildings that are lighted. It's turned off a night. And that's a

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city's that's a struggling economy and it relies really heavily on tourism. And certainly if they can--I don't think, you know, I don't think we have to have our iconic buildings turned--with lighted the entire night. I don't think our tourism is going to be hurt if we--I think we should also turn off those lights at night. And I also--I have what I would like to make as a construction suggestion, a little off track. I was told--I under--I got this directive secondhand to please have 20 copies of my testimony to bring to the hearing, and I'm concerned because this, you know, paper causes global warming, you know. Manufacturing the paper, they use chemicals. They use trucks to transport it. It uses fuel. Then, you know, when it gets recycled, I don't think recycle is as good as just not using it at all, because you have to truck it to the recycling, and I'm sure they use chemicals in the recycling. So, you know, my construction suggestion would be if there's a way that, you know, we could submit our testimony on line or some--do something, other thing. And you know, I think we need to be mindful of all the stuff that we use, and you know, examine everything because we're--you know, we seem to be a

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throw-away society and use a lot of stuff, and I know the economy depends on our buying stuff and using stuff, and we have to figure out a different way to keep our economy going without, you know, maybe having jobs for services rather than commodities of goods. So thank you, again, and thank Governor de--I mean, Mayor de Blasio for his initiative.

CHAIRPERSON RICHARDS: I thought that was really great what you said. I agree.

GAYLE CLYMER: First, I'd like to thank Council Member Richards and members of this Environmental Protection Committee for introducing and hearing this important legislation. Although New York aspires to be a sustainable city, it has done nothing to date to curtail light pollution. Light pollution can be defined as any adverse effect of artificial night light, including glare, light trespass, sky glow, energy waste, compromised safety and convenience and security, and impacts on the environment and human health. Electric lighting has only been in existence for around 120 years, and for most of that time it was assumed to be totally benign. In recent decades, however, a great deal of evidence has accumulated showing that exposure to

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light at night is harmful to the environment and disrupts circadian rhythms of animal and people, sometimes with disastrous results. This should not surprise us since all earth's creatures evolved over many thousands of years by adapting to a world that was bright in the daytime and truly dark at night. I have prepared an overview of the human health issues associated with artificial night light. I'd like to read a few paragraphs and I think you already have copies for further information. When Peter Jennings reported on World News Tonight in 2003 that nighttime lighting might be harmful to human health, it was surely news to almost all his listeners, but the possibility of a link between light and breast cancer had been noted as early as 1990. An analysis of 10,000 breast cancer patients done that year show that profoundly blind women were only half as likely to develop the disease as sighted women. Subsequent research in Sweden and Norway indicated that cancer incidents for people who were visually impaired but able to detect light was virtually identical to the general population, whereas people unable to detect light had only 70 percent of that cancer risk. Among profoundly blind men, there was lower incidence of

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cancers of the prostate, stomach, colon, rectum, skin, and lung. Among women, fewer cancers developed in the breast, ovaries and stomach. The apparent role of light and development of such cancers pointed to the hormone melatonin, which is produced by the pineal gland and responds to the body's circadian rhythm or biological clock. It is present even in algae and has existed in plants and animals for over three billion years. Light dark cycles caused melatonin levels to rise at night in darkness and fall during daylight, but exposure to artificial light at night can suppress melatonin, except in the profoundly blind. The adverse impacts of artificial night light on the environment are many and varied, even though research into this phenomenon is really still in its infancy. I have put down five examples. Some of these have already been mentioned. One example in the State of Washington, the salmon population in a particular river was decimated when new lights along the river trail caused babies to become visible to predators when they fed at night in shallow waters that had been dark. Populations of fireflies are dwindling because their mating signals cannot be seen well in the absence of real darkness.

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Sea turtles have already been mentioned. An interesting one is the fifth, light pollution striking the surface of lakes has been found to reduce the movement of the species of plankton. As a result, increased amounts of surface algae left unconsumed could potentially lead to algae [sic] blooms and poor water quality. It's important to note that light pollution's adverse effects are by no means confined to tropical beaches or rural fields. Sky scrapers in the city have already been talked about. I won't go over that again. The impacts are not just local. Urban sky glow also obscures the recently discovered celestial compass that serves as an important navigational signal for some nocturnal animals. This depolarizing effect has been described as a form of pollution with global reach. These are just a few examples--can I continue, or--of what has been learned so far. And I'll leave you--you have a little additional information but you can be sure that there's much more harm being done that simply has not been documented yet. Light pollution is sometimes defined as lighting that is excessive, misdirected or unnecessary. This wonderful bill you are considering addresses that wasted light that is

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not on for any good reason. Of course it will save energy and help reduce our city's carbon footprint. But in contrast, to some energy savers like the city's horrid new two [sic] blue street lights, this bill will also help to reduce light pollution's harmful impacts on the environment and on human health. I call that a win/win proposition, and I hope you will bring the bill forward and encourage your colleagues to support it. Thank you.

CHAIRPERSON RICHARDS: Thank you so much.

And I think we're up to our last panel now. Thank you so much for testifying and coming down today. Thank you. I appreciate your support. Our last panel, Daniel Karpen from the--represents professional engineer, and Mav Moorhead, DCSNH--NYH20.

DANIEL KARPEN: Ready?

CHAIRPERSON RICHARDS: You may begin.

DANIEL KARPEN: My name--

SAMARA SWANSON: [interposing] Can you please raise your right hands? Can you please raise your right hands? Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today?

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CHAIRPERSON RICHARDS: Again, sir.

DANIEL KARPEN: My name is Daniel Karpen, K a r p e n. I'm a professional engineer specializing in energy conservation. I've been doing this work for the last 35 years. My comments on the bill will be rather limited because so many people have spoken. I do not think you need to exempt small stores, because small stores are often some of the most wasteful energy users that we have. For example, lots of small stores have an incredible amount of lighting in their displays, particularly along Fifth Avenue selling to the tourists. This lighting is not only at night, but during the day where it spills out to the sidewalk and it's totally wasted. I'd like to also comment on the interaction between this bill and Local Law 87. My comments were directed at Local Law 87. My comments were all verbal. I wasn't--I did not have a prepared statement today. Local Law 87 is not working out very well. While there have been comments, suggestions that there should be every five years and comments, suggestions to go down to buildings as small as 25,000 square feet. Local Law 87 was enacted and put into place without a thorough beta testing. It is now being beta tested with

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thousands of buildings. The results are astoundingly poor. I have looked at the bill at the--some of the reports being prepared by the consultants. The reports are so bad as to be basically worthless to the building owners. There are two reasons for it. one, the consultants just don't understand anything about energy conservation, particularly steam heating systems for which dealing with steam, low pressure steam heating found in most New York City buildings is a totally lost art. I have suggested to Holly Savia [sp?] who runs the program at the Department of Buildings that people who do this Local Law 87 need to have a steam heating certification, I've suggested to her in order to clean up the reports. The second problem is that the material that is asked by the Buildings Department to be included in the reports is rather superficial. It almost every steam heated building in the city of New York, the boilers are oversized, usually by a factor of three to seven. As a result there's a huge waste of energy in the boiler room particularly between firing cycles. In the middle of the winter the boiler might be only running 20 and 25 percent of the time. A properly sized-- meanwhile, the boiler cools off between firing

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cycles. The outside air intake is allowing huge quantities of cold air coming in to cool down the boiler room apparatus and the entire evasement [sic]. A boiler that is properly sized should run continuously. Moreover, the radiators are oversized in many buildings because we've put in double glazed windows to reduce heating load, but we haven't downsized the radiators to match that. Downsizing the radiators would enable smaller boilers to put in, in which case energy use could be cut in most multifamily buildings by 40 percent. No one is doing that. Local Law 87 doesn't ask for it. What I've done is I've taken Local Law 87, rewrote it the way it should be written, and I have some comments here which I'll give to Bill Murray [sic] at the end of my presentation. Does anyone--do you, Donovan Richards, have any questions of me right now?

CHAIRPERSON RICHARDS: No, I think you-- you said it right, and I think there are challenges with Local Law 87 that we certainly should look at, so we're happy to look at it. And we'll certainly take a serious look at your proposals, and we're thankful for you coming. Now, do you agree we should turn the lights off--

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DANIEL KARPEN: [interposing] Oh,
absolutely.

CHAIRPERSON RICHARDS: while we got you
here too.

DANIEL KARPEN: Absolutely. I do not--

CHAIRPERSON RICHARDS: [interposing]
Alright, okay. Got it.

DANIEL KARPEN: I do not disagree with it
with the intent of the law at all. My only
suggestion is that this law, the exemption to small
stores should be excised from the law, and they
should also comply as well, because they get hit.
And I have to tell you something else about this law.
This law and Local Law 87 are unique pieces of
legislation in the city of New York. These pieces of
legislation, if people follow them properly, save
people money. How many times is there a city law
passed that actually ends up saving money? Most of
the time, regulatory laws end up costing people
money, and what's interesting is, while Republicans
say that regulatory laws kill jobs, the fact of the
matter is, the true matter is that regulatory laws
create jobs. One, they create jobs in the
legislature or in Congress or in City Council to

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write the laws. They create jobs at the agencies who enforce the laws to make sure that people are following them. And, they create jobs for those people who have to comply with the law, and a good example is NITSA [sic] and Safe Cars and how thousands of jobs are created just to make sure we have safe cars that don't cause injuries.

CHAIRPERSON RICHARDS: Thank you so much. Well said. Thank you. You can stay seated. They're going to take that from you. Yeah, they--no, they're going to take it. They're going to take it. They're going to take it. Alrighty, here we go. You get in there. Ms. Moorhead?

MAV MOORHEAD: Hi, I'm Mav Moorhead from DCS and NYH20. I'm very much in favor for this resolution. It's a good resolution. It does stop short on a number of occasions from--it should be taken a little bit further on many of the points. We've been here for hours, so I won't go through--

CHAIRPERSON RICHARDS: [interposing] Can you speak into your mic more? Yeah.

MAV MOORHEAD: We've been here for hours, so I'm not going to go through each and every point, but I think that it should be taken further for sure.

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It's imperative that we institute as many compounding measures as possible to reduce our carbon footprint. As far back as December 22nd, 2011, I sent a list of aggressive suggestions to David Bragden [sp?] in regard to Plan NYC that included practical energy savings and carbon footprint reduction pass [sic] for New York City. These recommendations have been presented to the City Council as well and are reiterated on the testimony given on October 23rd, 2014 before the Environmental Committee as well as previous City Council hearings, but I'm going to reiterate them again. Conservation: Incentives for conservation as well as deadlines and fines must be implemented to assure the path to the city's goal is met with certainty. Many of these recommendations create jobs, have minimal or no costs and can be implemented immediately. This Lights Out Bill is a fine first step to reaching our goals. A copy of one of the hearing's recommendations are included here. Incidentally, I--there--the idea of motion sensors is imperative, but in all hallways, in all hallways of New York City buildings. And this is something that I've been trying to promote ever since I sent this to David Bragden in 2011, but I made this list way

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before that, at the beginning of the year, a conservation list of how to go about achieving, not only instituting a number of conservation points, which I have as you see there. I have some many, many points that are very viable, but it also states incentives. I'll just really briefly go over just a couple of them that are pertinent to this particular bill. Community choice aggregation models should be explored for New York City. That would be pretty important. Institute a mandate whereby office buildings turn off lights after a certain hour unless direct use, eliminating obvious waste, which is what this bill is about, as part of the European policy that currently exists, 24 hour hall lightings is minimized. I mean, to have motion sensors in hallway lighting, residential as well as commercial, I think is without doing that you're just--you're not seeing the full picture. Because when you take a look at every building in New York City, every building is lit, 24/7 in the hallways for no reason, and they could all be put on sensors in residential, in commercial, in every building in New York City, and that should be an essential part of it, because when you think about how much energy is used, wasted,

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needlessly, just that one point alone, just that one, you could save so much. And it should--this bill falls short as so far as it doesn't address the residential issues as well. I agree completely with what this gentleman has said about small business. There are many small businesses that just absolutely exceed anybody's expectation of how something should be lit. That should be addressed for sure and they should not be eliminated. There should be a certain wattage that they're allowed to use. There should be a limitation, but they shouldn't be given car blanche [sic] just because they're below a certain square footage. There's no question about that. Direct building owners through a mailing campaign with definite steps to be taken regarding real conservation efforts. Building owners don't know anything about anything when it comes to conservation. They just don't. They have a certain set model that they've been following since the year three, and they really don't know a road map unless they're told and given a plan as to how they can go about it. And a direct mailing to educate owners as to how they can go about doing it using LED lights, using motion sensors, doing motion sensors in their

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hallways, you know, there's a menu of things that can be bullet points to make it real easy so that it's read in 30 seconds or less by an owner. I'm an owner. I know about this. When people--when I get something in the mail that's going to help me one, two, three, I'm going to pay attention to it. That's a very important--this is, of course, I'm not going to go over all the points that I've made, but I'll just say one more. This one's pretty important. A landowner reward system for accomplishing their conservation goals could be achieved with the corresponding percentage reduction of real estate taxes for every choice on the conservation menu checklist, not to mention a built in reduction of yearly NOI expenses, always a tried and true incentive. Fines for non-compliance. These are-- this is essential because every owner is--no matter what their views are in relation to conservation, etcetera, non-conservation, it's my property I can do what I want attitude. Every owner will look at the bottom line in terms of a financial aspect of how they run their building. That's it. and when you have a menu checklist of what they can do, a menu checklist of how they can save in regards to taxes,

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you know, for everything that they achieve they get a credit of some sort, that's huge, especially if they get a credit when it comes to saving money on the energy and they get a credit when it comes to getting the taxes, a double whammy, every owner's going to be interested in that. One last point, there are jobs created from this. You know, motion sensor, the motion sensor people are going to go cra--people that install it. There are jobs that are created by all this, which I could go into detail, but you can get the idea with that. Thanks a lot for everything that you're doing with this. We really appreciate it, and it's just wonderful being the last person. I really appreciate that too.

CHAIRPERSON RICHARDS: Well, may the last be first next time.

MAV MOORHEAD: No, that was really good.

CHAIRPERSON RICHARDS: So we'll keep that in mind.

MAV MOORHEAD: Thanks.

CHAIRPERSON RICHARDS: So we're about to close out, and before we do, I just want to make some last points on, you know, once again I think something that this hearing with--did differently is

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that for once our regulation, and I think you guys pointed out, is not costing anybody any dollars. The bottom line is just turning off your lights saves-- turning off your lights saves money. So very interested to see the new angles that are coming up now, that we're saving people money. So that's one thing. The other thing is conservation, conservation, conservation. You know, we come up with all of these great goals all the time on reducing carbon emissions. Yes, we do have to put solar panels. Yes, we do have to do geothermal, but conservation has to be a part of the conversation. It is a major part of the conversation, and we can't address climate change without also addressing conservation, and certainly this is what this bill aims to do, and then we also have to look at once again as the earth continues to warm, New York City is going to only get warmer. You know, we complain about the winter sometime and the snow, but we are going to see some extreme heat days as we move forward, which once again ties into our electricity load, which means that we are going to see more frequent blackouts. So I think its incumbent upon us. We know what's coming. We know what's coming.

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It's incumbent upon us to ensure that we are conserving as much as we can in taking the load off of our grid if we can responsibly. And you know, the main thing is, you know, we can have building owners who argue against this, but it's only going to affect them at the end of the day. It effects everyone here in this--in New York City. Climate change, as we saw with Sandy, effects everyone. There's no, you know, community that's not affected by climate change here. So, I think that, you know, folk need to realize they have to get with the show now, but because we're only--it's coming, and we have an opportunity to do something about it, and I'm hoping that all of our partners who spoke today, including those who oppose will certainly be working with us. And then lastly, I just want to go into the jobs once again, because I think that's something that is very important here. One, energy savings means that we can take some of the dollars that these building owners are saving, because I intend to try to get to mandate on solar panels on buildings, geothermal and these particular things, and that's the direction this committee certainly wants to go in. So it means that they eventually are going to have to spend money. It's no

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way around it. So, you know, I would think that saving money is only going to enable them to install solar panels and things on their buildings and do energy audits, which are good green jobs. The Speaker and I were just at Solar One on Monday, and we got to see communities, communities of color in particular who are normally shut out of this conversation, them learning about the air code and class. Amazing learning about boiler efficiency, learning about how to--actually, they installed a solar panel while we were there. You know, it's an amazing--we do have an opportunity to address also the inequality crisis through this because we're creating jobs for people who have been shut out of the system and have not been able to get jobs for a long time. So, I want to thank France and our former Prime Minister for their leadership and calling and certainly support, and I'm sure New York City will get there one day. And I just would like to as we close thank the people who--because I get the fun job of looking good up here. At least I think I look good in my mind, but there's some people who really this could not happen without, and that is Matthew Gwab [sp?], who left, and our Policy Analyst, Mr.

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Bill Murray, the famous, infamous Bill Murray. And then, people love her more than they love me, it is the famous, infamous person who really helps to guide this committee and we would not be where we're at today in moving the city forward without here and that is none other than the Counsel to our Committee, Ms. Samara Swanson, and my Chief of Staff Frank Joseph, Jarrell Burney [sp?] and Mercedes Buchanan [sp?] who are not here. They're across the street doing work now, but certainly listening, and I would like to thank them. Thank you. This hearing is now over. Lights out.

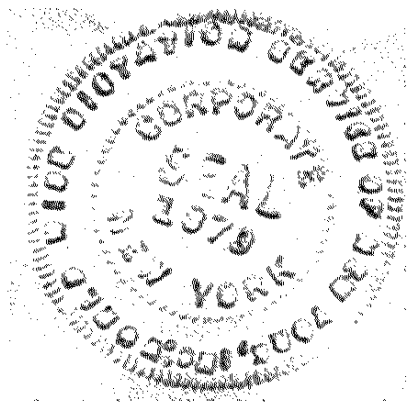
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COMMITTEE ON ENVIRONMENTAL PROTECTION

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 7, 2015