

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

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June 21, 2018
Start: 1:22 p.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: RAFAEL ESPINAL, JR.
Chairperson

COUNCIL MEMBERS: Margaret S. Chin
Peter A. Koo
Karen Koslowitz
Brad S. Lander

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

Adrian Grenier, Actor, a U.N. Environment Goodwill
Ambassador and Co-founder of Lonely Whale

John Cavelli, Executive Vice President
Public Affairs, Wildlife Conservation Society

Lauren Singer, Owner of Package Free Shop

Vanessa Vargas, Sophomore at Armour High School,
Representing Wildlife Conservation Corps, WCC

Andrew Riggie, Executive Director
New York City Hospitality Alliance

Dr. Mary Basset, Commissioner
NYC Department of Health and Mental Hygiene, DOHMH

Kim Kessler, J.D, Assistant Commissioner
Bureau of Chronic Disease Prevention & Tobacco
Control, NYC Department of Health and Mental
Hygiene, DOHMH

Pamela Boyd, General Counsel
New York City Consumer Affairs

Mark Chambers, Director
Mayor's Office of Sustainability

Sharon Shapiro, BCID the Brooklyn Center for the
Independence of the Disabled, and Yad HaChazakah,
the Jewish Disability Empowerment Center

Edith Prentiss, President of DIA

Deborah Greif, Chairperson
Brooklyn Family Support Services Advisory Council

Christopher Greif, Advocate for People with
Disability

Joe Rappaport, Brooklyn Center for Independence of
the Disabled

Sheila Morovati, Crayon Collection

Leah d'Auriol, Oceanic Global Foundation

Naz Riahi, Founder and Creative Director, Bitten

Ayana Elizabeth Johnson, Marine Biologist, Founder
and President, Ocean Collective

Lisa DiCaprio, Professor of Social Sciences, NYU
Conservation Chair, Sierra Club New York City Group

Yusef Mubaris, Yemeni Merchant and member of
Yemeni-American Merchant Association

Blyss Buitrago, Community Stewardship and
Engagement Manager, Billion Oyster Project

Andrew Riggie, New York City Hospitality Alliance

Kevin Dugan, Director of Government Affairs
New York State Restaurant Association

Melissa Chapman, Senior Vice President for Public
Affairs, Brooklyn Chamber
Appearing for Ray Russo, Acting President

Emily Cane, Digital Strategist, Lonely Whale

Edita Birnkrant, Executive Director, NYCLASS

Jose Soegaard, Director of Policy and Programs
Waterfront Alliance

Robert Edmonds, Edmonds and Company

Spike Levan (sp?), New York State Labor Association

Kevin Dillon, Chief Operating Officer
Quality Branded Restaurants

Adam Johnson, COO, Red Hook Lobster Pound
Appearing for: Susan Povich, Owner, Red Hook
Lobster Pound

Chad Arnholt, Co-Founder, Tin Roof Drink Community

Jessica Roth, Director of Advocacy & Engagement
Riverkeeper

Eric Goldstein, Natural Resources Defense Council

Joyce Friedman., Board of Directors of Voters
Animal Rights

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

6

2 [sound check] Good afternoon.

3 CHAIRPERSON ESPINAL: My name is Rafael
4 Espinal. I'm the Chair of the—on the Committee on
5 Consumer Affairs and Business Licensing. I'm joined
6 today by my colleagues on the committee. We have
7 Karen Koslowitz from Queens, and we have a special
8 guest Helen Rosenthal who was the co-prime of Intro
9 936. In today's hearing we will hear feedback on
10 three pieces of legislation: Intro 936 will prohibit
11 single use plastic beverage straws and beverage
12 stirrers. Intro 823 would allow restaurants to put
13 surcharges. Intro 965 would—is relating to
14 applications for retail dealer licenses for the sale
15 of cigarettes or tobacco products. I'm proudly
16 sponsoring Intro 936, which would ban food service
17 establishments from providing non-biodegradable
18 plastic straws and beverage stirrers. As a cheap,
19 durable and easy manufactured product, plastic has
20 saturated our markets. However, the life cycle of
21 plastic means that it stay in the environment for
22 tens, hundreds or even thousands of years. Much of
23 it ends up landfills, and at least eight million tons
24 of plastic leak into oceans each year, the equivalent
25 of dumping a garbage truck full of trash into the

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

7

2 ocean every minute. Because plastic are less dense
3 than sea water, pieces of plastic float around the
4 ocean. They often break down to smaller pieces,
5 which end up being consumed by fish and bird life or
6 they remain floating on the surface. Off the coast
7 of California and Hawaii there is now a land mass
8 that is twice the size of Texas made up nearly
9 entirely of plastics, and make no mistake, this isn't
10 just a far away problem. Plastic straws in specific
11 are among the most common items found on our beaches
12 here in New York City. In fact, on the very day we
13 introduced this bill, a team of scientists,
14 journalists and everything and everything but water
15 employees led by Dr. Marcus Erickson found that there
16 are as many as 130,000 plastic straws locally in the
17 waterways along Manhattan in both the East River and
18 Hudson alone. It's no secret plastic straws are
19 choking our natural environment. Millions are used
20 everyday ore more often than not they are provided
21 out of routine and then tossed away by customers
22 ending up in a landfill or our beaches. The use of
23 such plastic items makes them—makes them and usership
24 to them is often due to habit rather than need. My
25 bill Intro 936 aims to change that behavior and take

3 one concrete step to solve the global waste problem
4 from here in New York. Generally speaking, most
5 people do not need a straw in order to consume their
6 drinks. I do recognize, however, that it—that that
7 isn't always the case. That is why Intro 936 has
8 provisions for people with medical needs that do
9 require straws to still have access to them. It also
10 allows establishments to provide straws and stirrers,
11 so as long as these items are biodegradable, and it
12 offers a two-year grace period so that our businesses
13 big and small can have time to make the necessary
14 changes without facing a fee. Some institutions
15 across the city already have similar practices in
16 place. Our zoos and the aquarium have all banned
17 plastic straws as well as cold drink lids and single-
18 use plastic bags. While some restaurants many of
19 them who are here today only provide straws when a-
20 when a customer specifically requests it. These
21 restaurants, cafes and organizations are clearly part
22 of the shift in attitude regarding single-use
23 plastics. Worldwide studies have shown that more
24 than 90% of people now favor bans on plastic straws
25 and cities and countries across the globe are
implementing their own versions of the plastic straw

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

9

3 ban. The second bill is Intro 823 sponsored by
4 Council Member Borelli. It will would allow
5 restaurants to add an addition surcharge to the
6 customer bills. At the moment Section 559 of the
7 Rules of the City of New York prohibit such charges
8 unless they are for a bona fide service such as
9 splitting a mean or a mandatory gratuity for large
10 parties. However, with the costs of running a
11 restaurant in the city continue to rise, the
12 surcharge option may help alleviate some of this
13 pressure on restaurant owners. Governor Cuomo is
14 also currently holding hearings across the state
15 examining the law to eliminate tipping. If such a
16 proposal is implemented, this may leave restaurant
17 owners vulnerable to wage increases that they will
18 not be able to cover without introducing a surcharge.
19 The final bill today Intro 965 will address
20 administrative issues that arose after changes we
21 made to licensing for tobacco retailers late last
22 year. The bill implements a grace period and time
23 extension that would permit pre-existing tobacco
24 retailers to continue to license registration process
25 with the city. This bill will not alter the current
cap on licenses. The Council remains committed to

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

10

2 reducing the number of tobacco retail dealers in New
3 York City. This will simply avoid putting already
4 existing retailers out of business. We look forward
5 to today hear from the Administration, the business
6 industry representatives, environmental advocates and
7 other stakeholders about the recommendations
8 regarding these three bills. Now, I would like to
9 turn to the panel. [pause] Oh, we are also joined
10 by Peter Koo from Queens and Brad Lander from
11 Brooklyn. So, we have the first panel. We have
12 Adrian Grenier one of the founders Lonely Whale; John
13 Cavelli from the Wild Life Conservation Society;
14 Vanessa Vargas, the Wild Life Conservation Society;
15 Lawrence Singer a local New York City restaurant and
16 business owner, and Andrew Riggie from New York City
17 Hospitality Alliance. So, you may—you may begin.

18 ADRIAN GRENIER: Thank you. Hello. My
19 name is Adrian Grenier. I am an actor, a U.N.
20 Environment Goodwill Ambassador, co-founder of Lonely
21 Whale, and a proud New Yorker bred right here in New
22 York, Manhattan. I'm here today to testify on public
23 record in support of Intro No. 936 legislation
24 introduced by Council Member Espinal to ban plastic
25 straws and stirrers in in New York City's easting and

3 drinking establishments. The Lonely Whale considered
4 the best way to reduce plastic pollution and protect
5 marine wildlife, and human health. Eliminating
6 straws was a natural starting point. Since we began
7 our work on the topic under our Strawless Ocean
8 Initiative, we have seen the conversation around
9 plastic straws flourish with policy passed in Malibu,
10 Seattle, Taiwan, Vancouver, and ongoing legislation
11 in San Francisco and in both the UK and the EU, but
12 not yet in my hometown, not in my back yard until
13 today. This bill introduced by Council Member
14 Espinal is a critical next step in the global
15 movement for clean seas. Plastic pollution is not
16 only a threat to the planet, but also to our human
17 health. One metric ton of plastic enters the ocean
18 every four seconds. If we don't change our habits
19 now, most of us in this room and certainly our
20 children will live to see the day when there is more
21 plastic in the ocean than fish. I've seen the
22 destruction first hand in my work with the U.N.
23 Environment and here at home in New York City. Last
24 February I helped the U.N. Environment launch their
25 pivotal Clean Seas Campaign on the shorelines of
Bali. Even for someone intimately aware of the

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

12

2 plastic pollution crisis when I walked down the beach
3 picking up handfuls of plastic and straws were among
4 the most prominent in my collection. Growing up in
5 New York City, I was always aware of my environment,
6 the corner store, the kids playing on the corner and
7 down Broadway, my room, but I learned that the
8 environment is not just what I see, but it is what we
9 share, and it's all connected. I learned that what
10 goes in our rivers, two of the greatest which hug our
11 city, flows directly out to sea, and since I was a
12 kid, my mom taught me to clean my messy room. What I
13 later learned, and what I hoped we all learn is that
14 my room and our room was not just in Brooklyn, but my
15 room was an entire shared earth. That is why I stand
16 in support of Councilman-Councilman Espinal so that
17 all New Yorkers are presented with the opportunity to
18 live in a clean room, and to lead by example because
19 their government recognizes it's the right thing to
20 empower a city to protect its shared environment. We
21 have seen corporations such as McDonald's in the
22 U.K., Tom Colicchio's Crafted Hospitality Alaskan
23 Airlines, Live Nation Entertainment and most recently
24 Brooklyn's very own VSE Global including Barclay
25 Center home of the Brooklyn Mets begin to lead the

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

13

3 way opting to preempt policy with bold announcements
4 to transitions their plastic straws to marine
5 friendly alternatives, and empower their customers
6 and their fans. The investors behind these brands
7 have not only realized their fiduciary duty to
8 understand their portfolio's impact on the
9 environment, but have also leveraged their early
10 leadership into increased brand value. Governments
11 also have had a duty, a duty to protect and empower
12 the people they serve and the brand of the cities
13 they represent. For this reason, I am calling on
14 you, our government leaders to meet the market and
15 mirror the leadership and to protect your
16 investments, our communities by passing this bill.
17 While serving our ocean will take much more than a
18 ban on plastic straws, all corporation and
19 governments must start somewhere. This one is an
20 easy first step. As demonstrated by the citizens and
21 businesses who have already embraced this movement
22 opting for marine friendly alternatives. New Yorkers
23 care about others. They care about things outside
24 themselves, and they want to make the right choices
25 for their neighbors and for their planet. So, let's
make it easy for them. It shouldn't be a burden on

2 people to choose between their environmental morals
3 and convenience. So, I urge you to level the playing
4 field to include all people, which would eliminate an
5 approximate 16 million plastic straws from the city
6 every single day by passing Intro No. 936. We have
7 market ready marine friendly paper straws. We simply
8 need to demonstrate to business owners the scale of
9 the city that this alternative is available on
10 demand. Nature is in peril. Plastic pollution knows
11 no borders. It doesn't discriminate against race,
12 ability, class, countries, cities or even continents.
13 We are truly in this together, and it's vital we
14 united as New Yorkers to begin addressing plastic
15 pollution. Intro No. 936 offers an opportunity to
16 New Yorkers from every borough, every industry and
17 every walk of life, a seat at the table in this
18 global movement for a strawless ocean. So, I hope
19 you will join me, join us in protecting our city's
20 legacy by voting yes on Intro No. 936. Thank you.

21 CHAIRPERSON ESPINAL: Thank you. Before
22 we move forward, I do want to give my colleague Helen
23 Rosenthal a chance to speak on the bill. She is the
24 co-prime sponsor. Helen.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

15

2 COUNCIL MEMBER ROSENTHAL: Thank you so
3 much Chair Espinal for your leadership for your
4 partnership. Really appreciate everyone from the
5 panel today, and everyone here who's interested in
6 participating in this conversation. As Chair,
7 Espinal discussed, the environmental impact of
8 single-use plastic straws is significant. It's high
9 time that we as a city start to take a comprehensive
10 look at single-use plastic and work to mitigate the
11 alarming impact it has on our landfills, waterways
12 and oceans. The time for this conversation has come.
13 Great alternatives to plastic exist and they're
14 growing more affordable and available everyday. I
15 have personally started using paper straws in recent
16 weeks, and they have proven surprisingly effective
17 and durable, but we have to be thoughtful and
18 inclusive as we consider this step. As we tackle the
19 problem of single-use plastic, we cannot do so at the
20 expense of people with disabilities. I know that
21 this ban has been considered in other places, and
22 members of the disabilities community who rely on
23 straws have been left out of the conversation. Let
24 me say this: That will not be the case here in New
25 York City. It is a false choice between

2 sustainability and accessibility. We simply have to
3 achieve both. I know Chair Espinal shares that
4 commitment. Intro 936 includes an exemption for
5 people with disabilities. Today, I look forward to
6 hearing about how to strengthen it, and ensure that
7 this legislation truly does protect all New Yorkers
8 and those New Yorkers who rely on straws especially
9 for those whom—those for whom the alternatives to
10 plastic would not work. Today, we're talking about
11 straws. This broader issue, though, of ensuring what
12 is sustainable is also made accessible will be a
13 fundamental challenge in our time. As we tackle the
14 effects of climate change and pollution it will make—
15 mean making changes to our products, to processes, to
16 our way of life. It is incumbent on us to ensure
17 that those in the disability community are not just
18 considered but are at the table as we design a more
19 sustainable future. As much as we like to be
20 leaders, New York City will not be the first to ban
21 plastic straws. Other cities, countries, and even
22 some companies beat us to the punch. Where we can
23 lead, though, is by enacting this legislation in a
24 truly inclusive way after a truly inclusive process.
25 Thank you again, Chair Espinal for your partnership.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

17

2 I look forward to working with you, Council Member
3 Grodenchik, and all of the people in this room
4 across—and across the city as we move toward a more
5 sustainable and more accessible New York. Thank you.

6 CHAIRPERSON ESPINAL: Thank you, Helen,
7 and I just want to recognize Margaret Chin from
8 Manhattan who has joined us. Thank you for being
9 here. The next person can testify now. [pause]

10 JOHN CAVELLI: Good afternoon, Mr.
11 Chairman, Council Members Koslowitz, Rosenthal, Koo,
12 Espinal and Lander. Thank you so much for all being
13 here and Chin. It is an honor to have all of you
14 here. My name is John Cavelli. I'm the Executive
15 Vice President of Public Affairs for the Wildlife
16 Conservation Society. WCS is a global conservation
17 organization. Many of you know us as the Bronx Zoo
18 or the New York Aquarium. We run the four zoos and
19 the Aquarium here in New York City, but we also work
20 in 60 countries and in the sites where we work. It's
21 home to about 50% of the world's biological
22 diversity. One of the reasons that we've gotten very
23 engaged in this issue is because we do see, I think
24 as Adrian referenced what's happening around the
25 impact of plastic around the world, but I saw it

3 myself in-in the Caribbean at one of our sites. It
4 is tragic what we are doing to our own planet, and I
5 think we want to take a sensible step forward, and
6 actually later this month we'll be opening a new
7 exhibit at the New York Aquarium called Oceans
8 Wonders Sharks where you can learn a bit about the
9 waters around New York, but the payoff is actually
10 learning more about marine plastics, and what we can
11 do to make our-our-our environment better. So, to
12 talk about plastic just for a second, you've already
13 heard so many amazingly sad statistics. Let me add
14 just a couple more. The use of plastic has increased
15 20 fold in the last 90 years, and is expected to
16 double in the next 20 years. By 2050 there will be
17 more plastic than fish by weight in the oceans. That
18 is why with Intro 936 New York City is aiming to do
19 it's part to tackle key source of plastic pollution
20 directly. Plastic straws cannot be recycled. If you
21 have not gone, I would suggest taking a tour of the
22 Recycling Center in Brooklyn. About 800 tons of
23 plastic are being-are attempted to be recycled. It's
24 a visit every New Yorker should to go to see what we
25 are actually doing to our own planet. In speaking to
the people there, the one piece of plastic that is

2 never recycled are plastic straws because they are
3 too small, and they end up either in a landfill or
4 they end up in the oceans. So, in our oceans, you
5 know what's happening we've heard so much about
6 humans, I just want to talk for a moment about
7 wildlife. Seventy percent of all birds, 30% of all
8 turtles have been found with plastic in them. I
9 think many of us have seen what's happened with the
10 whale that was killed in Thailand with 18 pounds of
11 plastic in its stomach. The fact is that what we're
12 doing is just horrendous. So, Intro 936 focuses on
13 eliminating single-use plastic straws and stirrers at
14 food establishments throughout the city of New York.
15 In support of that effort and Intro 936, WCS has
16 launched a campaign called giveasip.org--.nyc.
17 Again, that's giveasip.nyc. Giveasip asks New
18 Yorkers to basically take a pledge to stop using
19 plastic straws, and if they are so moved to write to
20 their local Council members and inform them of their
21 support. So far in about the month since we
22 launched, we've had 80,000 people take the pledge. We
23 now have 154 New York City businesses from Dead
24 Rabbit to General Tonobin (sic) in the Bronx, from
25 the Bronx to Staten Island and all places in between.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

20

3 We've been able to engage major businesses as well as
4 bodegas. I think what we've learned here is that
5 this cannot be about one part of New York City. It
6 has to be about all of New York City. It has to be
7 from—from the bodega down to the street to the
8 restaurants that we go to eat. It has to be about
9 everybody, and that was one of the things I feel that
10 we tried to do differently this time. We want to
11 make sure that included and engaged everyone, and one
12 of our major partners is the Yemeni-American
13 Merchants Association. I say that proudly because
14 they are one of the owners—many of them are owners of
15 some of the bodegas that we all go to on a daily
16 basis. As you've heard already, this movement is
17 growing. It has taken on in some respects a life of
18 its own, which is exciting. A lot of major companies
19 have already taken the pledge. Some places around
20 the world have taken the pledge. Maybe it's the
21 hubris of being a New Yorker, but I think if New York
22 does this and you show that type of leadership, New
23 York will help spur this movement to the next level,
24 and I will say that one of the good things is if you
25 do take the pledge at our site at giveasip.nyc, you
will actually be able to get a free paper straw to

3 get you started on that journey. So, hopefully
4 you'll—you'll join us. So with that, thank you very
5 much for the opportunity to testify today. Let's
6 tackle this challenge together one straw at a time.
7 Thank you very much.

8 CHAIRPERSON ESPINAL: Thank you. Larry.

9 LAUREN SINGER: Hello everyone. My name
10 is Lauren Singer. I am a New York City native, NYU
11 graduate, a very proud New York City resident and
12 local business owner of Package Free Shop, who our
13 customers do through the purchases have helped to
14 prevent over 3.5 million straws from going to
15 landfills in one year of business alone. I just want
16 to make a note for those with disabilities that
17 require the use of a plastic straw, I support your
18 use of straw to go about your everyday tasks. I
19 commit my business and my team, who is also here, to
20 finding a better solution for you than plastic straws
21 and commit as well to trying to find a reusable
22 multi-use alternative that's ergonomic, and provide
23 them at cost for those who need them. Five years ago
24 I made a decision to stop making trash in order to
25 align my values for environmental sustainability with
my everyday actions. I started by not using plastic,

2 and then transitioned to a zero waste lifestyle soon
3 after. It was a smooth transition, but the road
4 could have been a lot less bumpy if I didn't have to
5 go so out of my way to make my sustainable choices.
6 For instance, having to call restaurants in advance
7 to ensure that they would not send 40 people's worth
8 of plastic cutlery with my one-person delivery order.
9 You guys know. Making sure bars didn't give me
10 plastic cups for water, and most frequently I have to
11 watch bartenders like a hawk when I'm ordering a
12 drink after work to make sure that they don't add
13 three straws and a stirrer. I only have one mouth.
14 Why would I need three straws? Plastic straws
15 pollute our oceans, contribute to human health
16 conditions like cancer, and what's more, using straws
17 according to my mother gives you mouth wrinkles. So
18 even if you don't care about the environment, nobody
19 wants those. Our habit of using plastic straws is
20 not just unsustainable, it's archaic. Plastic straws
21 are already being banned in so many places, and we
22 need to get on the bandwagon. Do you like that? We
23 are supposed to be the leading city in the world, but
24 places such as San Luis Obispo, Davis, Malibu,
25 Manhattan Beach, Oakland, Richmond, Berkley, Seattle,

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

23

2 and Monmouth Beach, Fort Myers and Miami Beach have
3 all banned plastic straws. Earlier this year, the
4 Mayor added \$89 million in city funds to DSNY's
5 budget from 2018 through 2021. The New York City
6 Independent Budget Office projects that costs will
7 continue to rise from \$392 million this year to a
8 whopping \$420 million by 2021. Decreasing the amount
9 of trash we produce as a city is not just good for
10 our environmental policy, it makes extreme financial
11 sense as well. When New York City passed this ban,
12 it will keep an estimated 13,600 plastic straws out
13 of landfills every single day. That's about five
14 billion straws per year or 46,625 school buses full
15 of plastic straws, and I'm not even counting
16 stirrers. Making a change like this banning single-
17 use disposable straws and stirrers that is being a
18 leader. That is being the best city in the entire
19 world. As a born New York City native and business
20 owner, my team and I who are all here are eager and
21 hopeful to work in parallel with the City Council
22 Member Rafael Espinal to phase out single-use straws
23 and stirrers, items that neither contribute to the
24 financial success of our city nor the health of our
25 incredible citizens. I represent a rapidly growing

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

24

2 demographic of individuals and business owners living
3 in New York City who are sick of single-use plastic,
4 who absolutely think that straws suck, and who pledge
5 to support New York City in all endeavors that help
6 to contribute to the reduction of single-use
7 disposables and thus a more economically, socially
8 and environmentally sustainable city. Thank you.

9 CHAIRPERSON ESPINAL: Thank you.

10 VANESSA VARGAS: [off mic] Good
11 afternoon. [on mic] Thank you. My name is Vanessa
12 Vargas. I'm currently a Sophomore at Armour (sic)
13 High School and I'm part of the Wildlife Conservation
14 Corps., the WCC. I'm here representing my other 14
15 partners in WCC I work with. The purpose of the
16 Wildlife Conservation Corps. At the New York
17 Aquarium is to advocate for ocean conservation and to
18 focus on how plastics affects us and the oceans. As
19 high school students, we are part of a reputable-
20 reputable program that educates us and inspires other
21 high school students to engage on ocean conservation,
22 and educate others who are not aware. It is vital
23 that we seek to inform and inspire people of all ages
24 about how plastics are affecting all of us, and how
25 are we are not conscious of its presence and impact.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

25

3 The Giveasip campaign provides us the opportunity to
4 do just that, translating the citywide initiatives
5 into calls of actions. As teams, we are sensible and
6 expand our voices even more. On behalf of the WCC we
7 thank Council Member Espinal, members of the
8 committee, New York City businesses and other
9 advocates admirable voices we've heard from. We hope
10 all of us take some meticulous actions to protect our
11 beautiful local seascapes and our marine wildlife.
12 We are one step closer to making our oceans happy and
13 our marine life beatific. Thank you.

14 ANDREW RIGGIE: Good afternoon. My name
15 is Andrew Riggie. I am the Executive Director of the
16 New York City Hospitality Alliance. We are a trade
17 association that represents restaurants and bars
18 throughout the five boroughs many of which have been
19 real leaders in sustainable business practices wither
20 it's sourcing from or, you know, farers, organic
21 vegetables, from farms Upstate or working with
22 sustainable fisheries, our members recognize that
23 their mission is not only to serve delicious food and
24 create great experience for their guests, but do so
25 while they're nurturing the planet. So, after
carefully considering Council Member Espinal's Intro

2 936, which bans the use of single-use plastic straws
3 and stirrers, as an alternative restaurants would
4 have to use, and bars would have to use compostable
5 plant-based or paper straws or as others said, just
6 not use straws at all. We support this legislation.
7 Now, as you know, restaurants are and bars as well
8 are really over-regulated and it's always been a
9 major concern, but I think this bill today shows that
10 we're not always concerned just about any regulation.
11 We're okay with sensible regulation, and we believe
12 things that support our environment are positive and
13 that's why we're here to support this. We actually
14 surveyed our members. We had about—responses from
15 over 400 restaurants and bars throughout the city.
16 More than 85% of them responded to the survey in
17 support of the ban. Then about 10% of them weren't
18 sure if they support it or they don't support it.
19 They had questions about the types of straws that
20 were on the market, the cost, the quality, and then a
21 small percentage just outright, you know, just
22 opposed it mostly because of the cost. We obviously
23 take all these concerns into consideration, but we
24 believe if you look at the size of the New York City
25 market once that's unleashed it can significantly

3 reduce the price of these straws. Also, I think they
4 will also increase the quality and the availability
5 as well. We are also pledging to work with different
6 manufacturers to make sure that the restaurants and
7 bars can get access and information about the
8 different options that are available through them. We
9 do have a few comments on some of the text of the
10 bill. We would like you and your fellow members to
11 consider. First, I mentioned the size of the New
12 York City market. It's enormous. I know that you
13 have the provision for two years that there will not
14 be violations issued to these businesses if they're
15 not using compostable straws. However, we think
16 that's great. We just want to make sure that there's
17 a mechanism in the bill that if there is still not
18 sufficient supply on the market after that two years
19 that the appropriate—appropriate agency has the
20 authority to put the finding and violations on hold.
21 Because we don't want businesses to get fines because
22 they're not using compostable straws and they're
23 saying I can't get enough compostable straws from my
24 supplier. That's the first part. The second we also
25 think that the enforcement should be moved. You know
we've had a colorful history, our industry with the

3 Health Department. We do think that the Department
4 of Environmental Protection would be a more
5 appropriate agency. We also think for legal reasons
6 that that would be a smart move as well because it
7 would impact not only restaurants, but all businesses
8 that are using straws, and it would reduce the chance
9 that it would be subject to a legal challenge similar
10 to the sugary drink ban, which only impacted
11 restaurants selling sugary drinks, but not—did not
12 impact the bodega next door or the grocery store
13 impacting—impacting those businesses. So, while we
14 support sensible regulation we always think that it
15 needs to be fair and equitable for all the
16 businesses. Finally, in the question about
17 disabilities, which you had mentioned, which is
18 really important. One of the questions that I think
19 we should all discuss perhaps offline if a business
20 does opt to keep plastic straws on hand for people
21 with disability, it does pose legal questions under
22 the New York Human Rights Law as well as the
23 Americans with Disability Act, how would an employer
24 or a server or bartender know whether or not they
25 could use or give that customer the plastic straw?
Asking questions about potential disability,

2 obviously, you know, creates some challenges as well
3 as putting people in that position, which I don't
4 think we want to do. But overall, we really
5 appreciate your consideration of comment. We support
6 this. New York City restaurants and bars want to be
7 a leader in the environmental movement. So many of
8 them are already doing it as well, and we are there
9 to support them throughout the way. So, thank you
10 again for your leadership.

11 CHAIRPERSON ESPINAL: Thank you. Thank
12 you all for your testimony. I know we just have one
13 or two questions from my colleagues. I want to give
14 them a chance. [background comments] We have Helen
15 Rosenthal.

16 COUNCIL MEMBER ROSENTHAL: Oh, I'm sorry.
17 It was a comment. I have to gush. Okay. So,
18 Lauren, a great website.

19 LAUREN SINGER: [laughs] Thank you.

20 COUNCIL MEMBER ROSENTHAL: I can't wait
21 to shop at your store.

22 LAUREN SINGER: Thank you. [laughter]

23 COUNCIL MEMBER ROSENTHAL: Thank you for
24 everything you're doing. The cards look fabulous.

2 Zero Waste Solutions for Leftover Herbs. I'm down
3 with all of this.

4 LAUREN SINGER: Thank you.

5 COUNCIL MEMBER ROSENTHAL: You should
6 share your testimony. It was really good today.
7 Thank you.

8 LAUREN SINGER: Thank you very much. I
9 appreciate that very much.

10 CHAIRPERSON ESPINAL: Yeah, okay.

11 COUNCIL MEMBER POWERS: Thank you and
12 nice to see you all. Thank you all for testifying
13 and taking the time, and thank everybody here in the
14 audience for taking some time on a few important
15 issues here today, and, of course, to Council Member
16 Espinal who in addition to me being a very big fan of
17 Espinal, I always find him to be taking up big issues
18 around-around the city. I want to ask to-to Mr.
19 Riggie a couple of questions about the hospitality
20 business on the straw. I know you guys are
21 testifying it's supported there with some conditions
22 around making sure that the industry can comply and
23 can stay. Is the-is-I mean that was-this was the
24 first thing I thought of when we were talking about
25 it was what would be the impact on the operator and

3 if there's-- I have a couple questions. Is there a
4 cost consideration related to the switching from one
5 to the other?

6 ANDREW RIGGIE: There is. We spoke with
7 some distributors. There is an increased cost. So
8 that's certainly a consideration. Again, a lot of
9 restaurants have already moved to this. One of the
10 things that I have heard from restaurateurs and bar
11 owners is that as part of the transition to a
12 compostable version it also in trying to get people
13 not to use straws at all. So, if you're not giving
14 straws to everyone that helps reduce the price a
15 little bit there, which can, you know, push a little
16 money over to buy the compostable versions. So,
17 there definitely is a--more of a cost, but as I
18 mentioned in my comments earlier, I think that the
19 size of the New York City market that purchasing
20 power will be able to dramatically bring down the
21 cost overtime.

22 COUNCIL MEMBER POWERS: And the--and--and I
23 think just to your other point, you're saying that
24 you believe that moving from the plastic to--to the
25 paper or other alternatives--I think I saw a metal
straw somewhere recently that the--the--potentially it

3 would-it would incentivize stop-the stopping of
4 distributing as the situation we mentioned the three
5 straw situation for drink, one person. Do you
6 believe that that would have an impact on the people
7 if the cost was going up, a disincentive to give out
8 straws?

9 ANDREW RIGGIE: I certainly think that's
10 a part of it. I also think just there's a mentality
11 switch that we heard a lot of the other speakers talk
12 about. When you start talking about sustainable
13 practices it starts to change the culture around the
14 activity. So, the hope would be that many people in
15 restaurants would start saying, do you need a straw
16 or not even giving a straw. You know, one of the
17 things I know I spoke with other people is, you know,
18 have it upon request. So, you know, not every drink
19 needs a straw. Some do. The other thing is just a
20 beef with manufacturers I think there are specific
21 types straws when you look at cocktail bars, when you
22 pebble rocks like pebble ice what kind of straw is
23 appropriate for that. Bubble tea. You know, you
24 need a big thick straw. So, I know that there, you
25 know, different concerns and different types of
cuisines in communities. So, just being conscious of

2 all of that, but I think the two-year rollout period
3 before fines are issued, and really putting pressure
4 on the manufacturers and the producers to make sure
5 the quantity and quality is there before a business
6 is going to be fined, and that's the only concern,
7 and the Council Member has been excellent at
8 supporting small businesses. So, we think we and
9 all of you will continue to do the same.

10 COUNCIL MEMBER POWERS: Thank you.

11 Thanks.

12 CHAIRPERSON ESPINAL: Thank you. Any
13 other comments. Alright thank you. Oh, yeah, sure.

14 COUNCIL MEMBER KOO: Hi, everyone. I
15 just want to like point out that you said before that
16 in the Asian market it's a huge market of like bubble
17 tea.

18 ANDREW RIGGIE: Yes.

19 COUNCIL MEMBER KOO: Yeah, in Flushing we
20 have hundreds of bubble tea stores. So, the bill is
21 good. We just have to allow the store owners to find
22 substitutes because their straws is not a typical
23 straw. Theirs is much wider--

24 ANDREW RIGGIE: Yeah,

2 COUNCIL MEMBER KOO: --and triple the
3 size of the regular straws, and they bend at least a
4 little bit because they want to suck out the bubble.

5 ANDREW RIGGIE: Uh-hm, Council Member-

6 COUNCIL MEMBER KOO: --so they put that.

7 ANDREW RIGGIE: --I have a 19-year-old at
8 home. That was the first thing he mentioned to me--

9 COUNCIL MEMBER KOO: Yeah.

10 ANDREW RIGGIE: --was his significant
11 concern. So, yes.

12 LAUREN SINGER: [interposing] Council
13 Member, we provide those options at Package Free
14 Shop, though, but those straws we-we have them.

15 COUNCIL MEMBER KOO: So, um--

16 LAUREN SINGER: They're reusable.

17 COUNCIL MEMBER KOO: Then we're sure
18 they're taking your consolation. They allow a
19 certain amount of time for them to transition to
20 other substitutes. Thank you.

21 CHAIRPERSON ESPINAL: Alright thank you.
22 Brad.

23 COUNCIL MEMBER LANDER: Thank you, Mr.
24 Chair and thanks for your leadership on this issues.
25 As you know, reducing plastic wastes is a high

2 priority of the whole Council and of mine and I'm
3 thrilled we finally were able to make better sense
4 Styrofoam, and then we're moving forward there, but
5 that's not the subject of today's hearing. We'll
6 keep moving on a lot of other products as well, but I
7 appreciate your leadership. Thanks to the panel and
8 I'll just join the comments that I'm confident there
9 is a way to make sure that we meet the needs of the
10 community of people with disabilities and a smart
11 solution. When you give out products for free, what
12 you find quickly is many, many, many, many more
13 people use and waste and throw them away than the
14 people who need them, and there's room to figure out
15 how to make sure people who need them can get them,
16 and people who don't need them aren't throwing them
17 out into the oceans and wanton enormous value. So,
18 thank you to the panel. Thank you for your
19 leadership. I look forward to working with you and
20 your co-sponsors and—and the folks who are here today
21 to get to the right solution.

22 CHAIRPERSON ESPINAL: Thank you all.

23 Thank you guys. I appreciate it. Thanks for
24 testifying.

25 ANDREW RIGGIE: Thank you.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

36

2 CHAIRPERSON ESPINAL: Up next I want to
3 call up the Administration. We have Tamala Boyd, the
4 New York City Department of Consumer Affairs. From
5 the Department of Consumer Affairs. We have Casey
6 Adams from BCA. We have Mark Chambers from the
7 Mayor's Office and we have Dr. Mary Bassett,
8 Commissioner of DOHMH. [background comments] You may
9 begin, doctor.

10 COMMISSIONER BASSETT: Good afternoon.

11 CHAIRPERSON ESPINAL: [interposing] Oh,
12 I'm sorry, we have to---

13 COMMISSIONER BASSETT: Right.

14 CHAIRPERSON ESPINAL: Yeah, the oath.

15 LEGAL COUNSEL: Please raise your right
16 hands. Sir, please raise your right hand. Do you
17 affirm to tell the truth, the whole truth and nothing
18 but the truth before this committee and to answer
19 Council Member questions honestly?

20 MARK CHAMBERS? I Do.

21 COMMISSIONER BASSETT: I so affirm.

22 LEGAL COUNSEL: Thank you.

23 COMMISSIONER BASSETT: [off mic] Alright,
24 good afternoon [on mic] Chairperson Espinal and
25 members of the Consumer Affairs Committee. Before I

2 move to my prepared testimony, I would like to
3 apologize in advance. So, as the Chair is aware, I'm
4 going to have to dash out shortly after my testimony.
5 I'm Dr. Mary Basset, the Commissioner of the New York
6 City Department of Health and Mental Hygiene. Thank
7 you for the opportunity to testify on Introduction
8 965. Since 2002, New York City's adult smoking rate
9 has dropped by 39% from 21.5% in 2002 to 13.1% in
10 2016, and the youth smoking rate has dropped by a
11 whopping 72% between 2001 and 2017 from 17.6% to 5%.
12 However, more than 850,000 adults and 13,000 young
13 New Yorkers still smoke, and an estimated 12,000 New
14 Yorkers die from tobacco related diseases each year.
15 Up to half of the people who continue to smoke will
16 die of a smoking related disease. This may be old
17 news, but it is still true nationally and here in New
18 York City tobacco use remains one of the leading
19 causes of preventable death. Less than a year ago,
20 New York City regained its place as a national leader
21 of smoking and tobacco and control policy with the
22 enactment of a historic package of laws. This
23 comprehensive package protects New Yorkers by
24 increasing the price of cigarettes and other tobacco
25 products as well as reducing access to the tobacco

3 products and exposure to second hand smoke and it
4 will help us meet our goal to reduce the number of
5 smokers in the city by 160,000 over three years.
6 These laws will help thousands of New Yorkers with
7 longer, healthier lives and the city is working
8 diligently to implement them. Local Law 146 of 2017
9 one of the laws enacted as part of the package last
10 year takes a multi-pronged approach to restricting
11 access to tobacco products. The law updates the
12 existing cigarette retail license to include all
13 tobacco products, and it establishes a process for
14 reducing the number of licenses to sell these
15 products over time by implementing a cap on the
16 number of retailers per community district.
17 Retailers that did not apply before the deadline and
18 wish to receive a license now, must wait until the
19 number of license in their community district falls
20 below the cap dictated by Local Law. Research shows
21 that easy access to tobacco retailers makes its
22 harder for smokers to quit, and regular visits to
23 retailers that sell tobacco products make use more
24 likely to try smoking. We estimate that this
25 strategy may reduce the number of tobacco retailers
by up to 40% over the course of 10 years, and the

3 Administration stands firm in its support of this
4 law. New York City has a higher tobacco retail-
5 retailer density than San Francisco, Boston or
6 Philadelphia with approximately 27 retail stores per
7 square mile. At present the Department of Consumer
8 Affairs licenses more than 8,000 retailers who
9 complied with Local Law 146 by applying for and
10 receiving a license during the application period.
11 Intro 965 would create a special carve-out to allow
12 some retailers that missed the deadline to apply for
13 a tobacco retail dealer license. This would give
14 these retailers a significant advantage in receiving
15 licenses regardless of the cap. Thus, undermining
16 the protective intent of the city's package of
17 tobacco laws. Based on a comparison of data
18 maintained by the city and state, DCA believes that
19 it is likely that the majority of the retailers
20 eligible for this exemption to the Local Law would be
21 located in Central Brooklyn, the Bronx and Upper
22 Manhattan. These neighborhoods of color already
23 carry the highest burden of poor health outcomes in
24 our city, and are often a target for predatory
25 marketing practices by the tobacco industry. The
Administration cannot support the current draft of

2 this bill, and the potential harm to health of New
3 Yorkers that it poses. This bill would allow more
4 sales of these deadly products to continue in
5 neighborhoods where we work tirelessly to address
6 health inequities. We look forward to working with
7 the Council to ensure that its commitment to public
8 to health is maintained. Thank you for the
9 opportunity to testify. We are happy to answer
10 questions. Kim Kessler who leads our Tobacco Control
11 Efforts at the Health Department will be pleased to
12 answer any questions regarding the impact of tobacco
13 on health.

14 CHAIRPERSON ESPINAL: Thank you.

15 COMMISSIONER BASSETT: As you know, Mr.
16 Chair, the reason that I'm leaving is to join the
17 First Lady at a Press Conference about child
18 separation and issues and I know the Council feels
19 very strongly about it as well.

20 CHAIRPERSON ESPINAL: Thank you for your
21 leadership on that issue. I appreciate it.

22 COMMISSIONER BASSETT: Thank you. [pause]

23 PAMELA BOYD: Good morning Chair Espinal
24 and members of the Committee on Consumer Affairs and
25 Business Licensing. My name is Pamela Boyd and I'm

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

41

3 the General Counsel for the New York City Consumer
4 Affairs. Today, I will present testimony on
5 Introduction 823, a bill that would allow bars and
6 restaurants to impose surcharges unrelated to any
7 additional services requested by consumers to the
8 amounts already owed so long as a bar or restaurant
9 makes certain specified disclosures. DCA protects
10 and enhances the DOE economic laws of New Yorkers
11 including consumers, workers and business owners to
12 create thriving communities. By supporting through
13 business through equitable enforcement and access to
14 resources and by helping to resolve complaints, DCA
15 protects the marketplace from predatory practices and
16 strives to create a culture of compliance. Through
17 its community outreach and the work of its Office of
18 Financial Empowerment and Labor-Labor Policy and
19 Standards, DCA empowers consumers and working
20 families by providing the tools and resources they
21 need to be educated consumers and to achieve
22 financial help in work/life balance. DCA also
23 conducts research and advocates for public policy and
24 further its work to support New York City
25 communities. As a licenser and regulator, DCA hears
from businesses both large and small everyday. One

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

42

3 of the things we've learned from these interactions
4 is that while New York City presents businesses with
5 unique opportunities, those opportunities come with
6 unique challenges. Because we recognize these
7 challenges, DCA has made educating business and
8 helping them understand and comply with our laws and
9 rules major agency priorities. DCA conducts hundreds
10 of outreach events including business education days,
11 licensee open houses, online live chats, training
12 webinars and other events each year. Last year we
13 rolled out our new visiting inspector program, which
14 provides ne licensees with no fine visits by a senior
15 inspector to identify problems and help businesses
16 correct them before a fine is issued. Thank to this
17 program, the first interaction that a new licensee
18 has with a DC inspector will be collaborative and
19 educational, rather than potentially punitive.
20 Notably, DCA also collaborates with our sister agency
21 across the administration to streamline the services
22 we offer business, and to make the regulatory process
23 more efficient. We routinely seek feedback from
24 businesses on our education and outreach events, and
25 have even instituted business roundtables and
critical feedback sessions for our Commissioner and

3 senior staff. In fact, Chair Espinal I think the
4 last time I saw you we shared a panel at one of those
5 business roundtables. In the hospitality interest-
6 industry specifically, DCA enforces key consumer
7 protection and workplace laws and licenses the
8 sidewalk café activity of almost 1,300 restaurants
9 across all five boroughs. All new sidewalk café
10 licensees were offered VIP inspections. Our Licensing
11 and Enforcement Divisions regularly interact with the
12 industry and our External Affairs Division has a
13 direct line to many industry advocates. So, while we
14 understand and appreciate some of the challenges
15 particular to the hospitality industry—industry, DCA
16 opposes this bill's attempt to authorize the
17 imposition on consumers of surcharges on top of the
18 stated price of menu items, and unrelated to any
19 additional service requested by the consumer.
20 Currently a DCA rule prohibits the imposition of such
21 surcharges, but nothing in this world presents
22 businesses from setting their menu prices at a level
23 sufficient to cover their expenses, turn a profit and
24 grow their operation. What DCA's role prohibit is
25 are attempts to mask part of these prices as
surcharges. Social science research both from inside

2 and outside the hospitality industry has long
3 indicated that the manner in which a price is
4 presented can have a profound effect on how consumers
5 perceive that price. For example, a recent study
6 found that consumers rated menu prices that included
7 an automatic service charge of 15% of less as better
8 deals than menu prices that factors in the cost of
9 that service even when the total price—when the total
10 amount paid by the consumer wasn't the same.

11 Similarly, research has shown that consumers tend to
12 be priced focused, meaning that they concentrate on a
13 total price of an item or service often to the
14 exclusion of other fees or charges associated with
15 the purchase. DCA believes that consumers have a
16 right to have terms and prices communicated to them
17 in a way they can understand and internalize.

18 Allowing business to mask price increases as
19 surcharges takes advantage of the consumer's
20 perception that they're getting a deal when, in fact,
21 they are not. We believe that preventing that
22 behavior is a common sense consumer protection and
23 thus we oppose Intro 823 in its current form. DCA
24 will continue to work diligently to make it easier
25 for businesses to understand and comply with the

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

45

2 important protections for consumers and workers that
3 we are changed with enforcing. We take our mission
4 of helping consumers work within businesses very
5 seriously, and we are happy to engage in further
6 conversations with you about any legislation that
7 further that mission. Thank you for the opportunity
8 to testify today and Casey and I will be happy to
9 take any questions that you have

10 CHAIRPERSON ESPINAL: Thank you. I think
11 Keith has a question.

12 COUNCIL MEMBER POWERS: I don't.

13 CHAIRPERSON ESPINAL: Oh, yeah. There's
14 one more person. Sorry. Thank you for that.

15 MARK CHAMBERS: No problem. Good
16 afternoon. My name is Mark Chambers. I'm the
17 Director of the Mayor's Office of Sustainability. I
18 want to thank Chairperson Espinal and the members of
19 this committee for the opportunity to discuss
20 introduction 936 banning single-use plastic straws
21 and beverage stirrers. I want to say at the outset
22 that the Administration strongly supports this bill
23 provided that it addresses the needs of people with
24 disabilities and others who may still require use of
25 plastic straws. Single-use plastic straws and

3 stirrers are a pernicious problem and source of
4 pollution. They are among the most common type of
5 litter worldwide. Ending our reliance on single-use
6 plastic lie straws, stirrers and plastic bags,
7 especially when there are viable, convenient, and
8 sustainable alternatives available is a shared goal
9 between the Administration and the Council and aligns
10 with the city's zero waste and 80 x 50 greenhouse gas
11 reduction commitments. It is also an issue that the
12 public is urging us to act on. Simply put, plastic
13 straws and stirrers are very difficult if not
14 impossible to recycle. According to the Department
15 of Sanitation plastic straws and stirrers are too
16 light and too small to be caught by the screening
17 mechanisms and our mechanical recycling sorters.
18 They drop though the sorting screens and mix with
19 other materials contaminating recycling loads or
20 getting disposed as garbage. Mostly because of their
21 size and weight, it is difficult for the city to
22 track how many single-use plastic straws and stirrers
23 are sent to landfills, but the national statistics
24 suggest approximately 30-13 million straws are used
25 and discarded each day in a city as large as ours.
That adds up to over 4.7 billion straws a year.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

47

2 Assuming those 13 million make it to trash cans, that
3 volume is the same putting approximately six school
4 business per day or over 2,000 per year into
5 landfills. Making matters worse, single-use plastic
6 straws are also made with 30 fossil fuels.

7 Polyethylene the most—the type of plastic most
8 commonly used for plastic bags and straws is most
9 often derived from crude oil and natural gas. The
10 EPA estimate—estimates that for every ounce of
11 polyethylene produced, one ounce of carbon dioxide is
12 omitted. For example, the—the emissions from a
13 year's worth of straws would be like burning over two
14 million pounds of coal. In 2017, New York City
15 residents discarded more than half a million tons of
16 plastic in either the refuse or recycling streams,
17 about 15% of all residential waste. New Yorkers
18 sorted less than half of these plastics into
19 recycling bins. The rest when straight into
20 landfills. Bills like Introduction 936 limiting
21 plastic waste, will not only help us to meet our zero
22 waste goals, but also help us cut or carbon
23 emissions. By banning these single use plastics we
24 can help cut emissions associated with manufacturing
25 straws, but also cut noxious emissions closer to

2 home. Reducing waste reduces truck traffic and
3 increase our air quality. Beyond their climate
4 impacts, plastic straws and stirrers also pose
5 environmental harms. Single-use plastics don't
6 biodegrade or breakdown—don't biodegrade, but they
7 break down into even smaller pieces of plastic, and
8 as health studies increasingly show, they are
9 entering the food chain. Straws and stirrers are
10 among the most common piece of garbage found on the
11 beaches in the United States. Trash like straws and
12 stirrers straws discarded in New York City streets
13 wash down catch-catch basins and end up in our
14 waterways threatening our marine wildlife, putting
15 human health at risk, negatively impacting recreation
16 facilities and costing our taxpayers millions of
17 dollars to clean up. Enforcing Introduction 936 will
18 be crucial to its effectiveness. Given the
19 Department of Consumer Affairs' limited oversight
20 with the food and beverage establishment the
21 Administration suggests vesting the authority to
22 enforce this bill with the Department of Health and
23 Mental Hygiene, which already inspects these
24 establishments. While the Administration supports
25 the principal environmental goals of Introduction

3 936, we also want to acknowledge the concerns of the
4 disability community that—that the bill as written
5 may not adequately address the needs of people with
6 disabilities who require plastic straws. We hope to
7 work with the Council to address these concerns, and
8 would support amendments to ensure that people with
9 disabilities are not adversely affected by the
10 passage of the proposed legislation in collaboration
11 with our colleagues, the Mayor's Office for People
12 with Disabilities. Banning single-use plastic straws
13 and stirrers is an important step to cut our plastic
14 consumption, but our plastic problem will only get
15 bigger if we do not take additional steps. Driven by
16 cheap natural gas prices, fossil fuel companies like
17 Exxon and Shell will invest over \$160 billion in the
18 next five years into new facilities to produce the
19 raw materials for everyday plastics. New investments
20 like these could undermine efforts to reverse plastic
21 pollution and lock in plastic production for decades
22 to come. The good news is that the movement to ban
23 single-use plastics is gaining momentum. Across the
24 country voluntary grassroots efforts to curb plastics
25 have led to local governments pursuing bans and fees
on single-use plastics. California and Michigan have

3 banned plastic bags. San Francisco banned bags and
4 has an ordinance prohibiting municipal funds from
5 purchasing plastic water bottles and now blue band
6 all plastic straws, stirrers and utensils and in July
7 1, 2018, Seattle became the first city in the country
8 to ban the widest range of single-use plastics
9 including bags, utensils and straws. Here in New
10 York City the Council banned the use [coughs] excuse
11 of—here in New York City the Council banned the use
12 of its funds from purchasing plastic water bottles.
13 Next year, thanks to our recent victory in
14 litigation, the ban on foam food service products
15 will go—finally go into effect, preventing this
16 pernicious and environmentally substance from
17 flooding our streets, landfills and waterways. As
18 you know, Mayor de Blasio remains firmly committed to
19 reducing waste from single-use plastics bags, and we
20 look forward to continuing—continuing to work with
21 the Council on this issue. Through the Mayor's
22 Office of Sustainability's Green NYC Program, the
23 Administration has engaged tens of thousands of New
24 Yorkers in making different choices that have big
25 impacts for themselves, their city, and the planet.
More than 30,000 pledged to bring their own bottle,

3 bag or coffee mug, and in coordination with the
4 Department of Sanitation, we've handed out more than
5 550,000 re-usable bags and 23,000 re-usable bottles
6 to show practical, sustainable and convenient
7 alternatives to single-use plastic items. In
8 conclusion, I want to thank Chairman Espinal and the
9 committee for introducing this important and
10 necessary bill. My office stands ready to work with
11 the Council to explore ways that we can tackle
12 plastics pollution together, in the ways that
13 adequately address the concerns of the disability
14 community. We are proud of our efforts to date, but
15 recognize that we have to be bolder than every before
16 because the challenges are greater than ever before.
17 I'm happy to take your questions. Thank you.

18 CHAIRPERSON ESPINAL: Thank you. Yeah,
19 before I give it to Keith, I just want to thank the
20 Administration for being on board guiding us. The
21 day we introduced this bill to ban plastic straws,
22 the Mayor came out public that same day, to say he's
23 on board. So, we're very grateful. Thank you. With
24 that said, I want to pass the mic to Keith Powers.

25 COUNCIL MEMBER POWERS: Thank you. I
appreciate it and I'm sorry I have to run shortly

2 after this, but I wanted to ask what the restaurants
3 are charged. So, you had something that is sort of
4 relevant right now because of the state conversations
5 going on around the tip credit, and I think that's
6 been one of the reasons that the—those in the
7 hospitality business have requested an ability to add
8 a surcharge. So, a couple of questions. One is is
9 it illegal—it is illegal today? I mean there are
10 certain opportunities—places where you can add on a
11 gratuity whether it's for size or splitting a bill or
12 other reasons why you'd be able to add on a surcharge
13 or, you know, or some other charge. So, so, why is
14 that illegal versus the other—the other ways that you
15 can add a charge on today?

16 MARK CHAMBERS: Yes, Council Member,
17 you're right. There are situation where DCA's rule
18 does permit the addition of a surcharge, and those
19 are situations where the surcharge is connected with
20 an additional service. So you referenced some of
21 these examples where a restaurant is providing
22 service for a large party, where a restaurant is
23 allowing substitutions to its normal menu, where it
24 is allowing customers to split the bill. So, the
25 difference between those situations that—that we both

2 described and what is prohibited by DCA's rule is
3 that there is an extra service being provided.

4 COUNCIL MEMBER POWERS: So, it's explicit
5 in the—is it DCA rules, the rulemaking or is it an
6 Admin code where it's explicit that you have to
7 providing an extra service in order to collect the
8 charge?

9 MARK CHAMBERS: It's a DCA rule.

10 COUNCIL MEMBER POWERS: A DCA rule and it
11 is explicit that it—that redemption unit?

12 MARK CHAMBERS: Yes.

13 COUNCIL MEMBER POWERS: Thanks and the—
14 and I think—I think in the testimony offer there was
15 questions around the—or there was—the comment I think
16 was around the center of TV, around pricing with the—
17 the customer, which I—I actually thought in some ways
18 made the point for the—the industry, which is that
19 there's sensitivity to changes in pricing that does
20 impact consumer behavior and certainly you're—you're
21 I think correct to say that it would be-be concern
22 around the consumer having cost that, you know, don't
23 appear on the menu that end up on the bill. I think
24 the proposal for Council Member Borelli is to just
25 close it upfront, but doesn't that—doesn't that

3 argument—I guess doesn't that argument appear to
4 seem, just be supportive as well as the industry's
5 argument that they add a charge on because the
6 sensitivity and the increased pricing that would
7 impact consumers?

8 MARK CHAMBERS: I don't think we agree
9 that that proves the point. I think we think it
10 proves exactly the opposite, Council Member, because
11 the consumer is still paying that-that amount, and I
12 want to be clear that nothing in DCA's rule prohibits
13 a restaurant from raising its prices as we said in
14 our testimony to a level sufficient to turn a profit,
15 grow their business and expand elsewhere. What it
16 does prohibit is using—is making that price increase
17 as a surcharge. So, we think—we think consumers have
18 a right to receive that information in a way that is
19 upfront and easy to understand. That was the reason
20 this rule was originally promulgated, and we still
21 believe that today.

22 COUNCIL MEMBER POWERS: And is there a
23 difference for the consumer if they are—if they are
24 purchasing an item at a higher price or getting a
25 disclosed surcharge? I mean in terms of the price
sensitivity. I think the bill—I think there's very

2 good arguments on—on both sides, and I'm sensitive to
3 the ones that the industry has raised by rising
4 costs? I'm just asking that question. I mean the—
5 the—if the cost—if the concern is around matched fees
6 and the bill says you have to disclose those fees
7 upfront, is there a difference between rising—raising
8 the cost on a hamburger versus putting a clearer and
9 distinct service charge on the menu?

10 MARK CHAMBERS: The research we
11 referenced in our testimony was looking at precisely
12 that question, and it found that there was a
13 difference in consumer perception of the price when
14 part of the price was—was described as a surcharge or
15 a service charge as opposed to disclosing the price
16 itself, and I think the industry is well aware of
17 that consumer perception issue, and I think they
18 pointed to that when talking about this bill
19 publicly. It is our position that the—that the
20 consumer—the balance should shift to the consumer.
21 In other words, if there is a consumer perception
22 issue here, we believe that the consumer has a right
23 to get the information in away that it's easiest to
24 understand for them, and again, that's always been

2 our position, and is our position across many
3 industries.

4 COUNCIL MEMBER POWERS: Meaning look at
5 the menu and know what the price of the item you're
6 buying is rather than--

7 MARK CHAMBERS: Right.

8 COUNCIL MEMBER POWERS: --the price
9 something else.

10 MARK CHAMBERS: Right.

11 COUNCIL MEMBER POWERS: I appreciate
12 that, and the--the last question I have is you guys I
13 know you say you can't support it in its current
14 form. Is there a form where you'd be supportive of a
15 surcharge, a disclosed surcharge, and would it be--I
16 know some cities have it? So that has to go directly
17 to the--to--to the employer--to I'm sorry the employees
18 to cover help--you know, I think Santa Monica--Santa
19 Monica has one that is about healthcare costs or it
20 goes directly to an employee rather the owner. Is
21 there--is there a version that you would--you would--
22 that DCA and the Administration would support?

23 MARK CHAMBERS: As you said in your
24 testimony, we're always open to discussing
25 legislation with you that fulfills any part of our

2 mandate, consumers, businesses or workers. As we
3 started off this line of questioning there are
4 situations where surcharges are—are permitted now in
5 connection with a bona fide service. So, I can't
6 speak to hypothetical proposals, but I think we're
7 happy to engage with you to look at other
8 possibilities, but we don't support what's on the
9 table right now.

10 COUNCIL MEMBER POWERS: I have one last
11 question. I'm sorry to take up all the time. Are
12 you guys opposed—is the city opposed to the fees that
13 appear when you get eight groups or eight or more,
14 those are disclosed on the menu I think often. I
15 don't know if they're required to be or not, and you
16 pay them at the end. Are you opposed to or are you
17 supportive of eliminating that?

18 MARK CHAMBERS: Are you describing a
19 situation where there's a surcharge imposed for our
20 groups?

21 COUNCIL MEMBER POWERS: [interposing]
22 Service added. It's—it's a similar—I think it's a
23 similar situation. It is a disclosed fee on the menu
24 for a service added in this case, but then you pay at
25 the end. That's not reflected in the cost of the

2 item on the menu. Does the Administration believe
3 that that should be eliminated?

4 MARK CHAMBERS: I'm not familiar with
5 precisely the situation you're describing. As-as we
6 were talking about in our exchange, right now a
7 restaurant is permitted to impose a surcharge--

8 COUNCIL MEMBER POWERS: [interposing]
9 Right.

10 MARK CHAMBERS: --for the service of
11 large groups. That's not prohibited by our rule, but
12 we can follow up with you if there's a specific
13 situation. I'm not--

14 COUNCIL MEMBER POWERS: [interposing]
15 Well, I guess was there--see the situation seems
16 similar to me. One is a surcharge for a--one--both
17 are--both are disclosed on the menu at the beginning
18 of the meal, but are not reflected in the price of
19 the items that you purchase. In one case you seem to
20 be against it. In the other one that DC rules--the
21 DCA rules allow for it. So, I'm just--I'm just trying
22 to understand the discrepancy between the two.

23 MARK CHAMBERS: Council Member, I--I have
24 to apologize because I'm not sure I'm totally

2 following your distinction. The DCA rule does not
3 prohibit--?

4 COUNCIL MEMBER POWERS: [interposing] I'm
5 asking for the logic between the two. You guys are
6 opposed to one and you're supportive of the other in
7 your rules. So, what is the difference between one
8 disclosed fee on the menu and what-between-and-and
9 the other?

10 MARK CHAMBERS: The rule currently
11 prohibits across the board surcharges that that are
12 not connected with an extra service. So--

13 COUNCIL MEMBER POWERS: [interposing] I
14 understand. Sorry, with all respect, I understand
15 the rule. I'm asking for the support of repealing it--
16 if based on this similar logic.

17 MARK CHAMBERS: Council Member, again I-I
18 think there's a little bit of a breakdown in
19 communication here because we-if a-if a restaurant
20 imposes surcharge, they disclose it, they say this is
21 for groups of eight or more, they will not receive a
22 violation.

23 COUNCIL MEMBER POWERS: Correct. Do you--
24 and you support that?

2 MARK CHAMBERS: We—that's—we think is
3 connected with a bona fide service. In this case,
4 the service of a large group. So that's always been
5 allowed by our rule.

6 COUNCIL MEMBER POWERS: I—I just—okay.
7 I'll end there and I'll follow up with you guys. I
8 think my point is that the logic that there is a fee
9 that you pay at the end of the meal that is not
10 disclosed and—or I'm sorry. That is not revealed in
11 the item that you're paying for. So, you're buying a
12 hamburger. It's not reflected in the cost. It's
13 reflected at the end. It's a surcharge. That logic
14 even though it's for service still applies—I think
15 would similarly apply on the bill that we're talking
16 about today. You seem to be opposed to the current
17 bill, but you're rules allow it in other situations
18 where the logic continues. So, I'm—I'm happy to
19 follow up with guys to—to talk about it in more
20 detail. My point being I think there's some
21 allowable scenarios where the logic still prevails
22 that you're—it's not disclosed upfront or any item,
23 but yet you guys seem to oppose it here. I'm happy
24 to follow up with you guys on that.

2 MARK CHAMBERS: But just to be clear,
3 there would—it would still need to be disclosed.
4 Even if it's—if it's permissible under the current
5 rule because it is a surcharge for a bona fide
6 service like service to a large group, it still needs
7 to be disclosed--

8 COUNCIL MEMBER POWERS: Right.

9 MARK CHAMBERS: --under the current--

10 COUNCIL MEMBER POWERS: [interposing]
11 I'll follow up with you guys.

12 MARK CHAMBERS: Happy to.

13 CHAIRPERSON ESPINAL: Thank you guys.
14 Thank you. I'm going to call up the next panel.
15 Keith answered all the great questions. Thank you.
16 We have Leah d'Auriol from Oceanic Global Foundation;
17 Shayla Morrow. Sorry, I may mispronounce your name
18 because I can't really read it. Shayla Mora, Crayon
19 Collection; Yusef Muburries from the Yemine-American
20 Merchant Association; Blyss Buitrago the Billion
21 Oyster Project, and again, if I mispronounce your
22 name I apologize. I'm just trying to read what I
23 have ,and Lisa DiCaprio from the Sierra Club.

24 [background comments] Yeah, we're going to have a
25 clock of three minutes for testimony. [background

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

62

2 comments, pause] I'm going to take a break for two
3 minutes. I'll be right back. Okay? Alright. I want
4 to all up Sharon. We're going to call up another
5 panel. You'll have to come back. Sorry. Ready?
6 [pause] [background comments] Sharon Shapiro and Joe
7 Rappaport Brooklyn from the Brooklyn Center for
8 Independence of the Disabled; Christopher Grief, a
9 person with disabilities; Mrs. Ann Manino.

10 [background comments] Deborah Greif. [background
11 comments, pause] Edith Prentiss and Elizabeth Ramos.

12 [pause] Okay. Alright. Okay, whenever you're ready
13 just state your name for the record, and then you may
14 begin. [pause] [background comments, pause] Who-
15 whoever wants to start first can start first stating
16 for the record.

17 SHARON SHAPIRO: My name is Sharon
18 Shapiro, and today I am representing BCID the
19 Brooklyn Center for the Independence of the Disabled,
20 and Yad HaChazakah, the Jewish Disability Empowerment
21 Center. Members of the Council, I represent two fine
22 disability organizations and I am a plastic straw
23 user. The bill as written must be rejected by this
24 Council. It does not go far enough to protect food
25 service customers who need to use plastic drinking

3 straws. It is unfortunate that once again policies
4 are drafted without effectively consulting the
5 disability community, and these huge bills must be
6 drafted directly in consultation with organizations
7 including independent living centers that represent
8 people with abroad array of obvious and hidden
9 disabilities. I could seemingly have had distasteful
10 sips as a result of a no-plastic straw policy. I am
11 now unable to use paper straws because I unable to
12 control the pressure with which my mouth holds the
13 straw. As a result, paper straws flatten at the
14 mouth tip. For example, when I go to the Brooklyn
15 Botanical Gardens Café I'm told that they do not
16 carry straws. My husband has to hold the cup to my
17 mouth in order for me to drink, and-and this draws
18 public attention to my drinking. This compromises my
19 privacy and dignity. Why don't you carry your own
20 straws you may ask? I am you have you ever drank
21 through a plastic straw that has been transported in
22 a bag or a pocket. They often become bent or
23 punctured and it is not usable. Also, I ask you why
24 don't you carry your own fork, knife or spoon when
25 you go to an eatery. You expect these utensils to be
provided to you by the food stand or restaurant,

2 plastic straws to customers who require them
3 indirectly analogous to eating utensils for all
4 eatery customers. We expect that various vendors
5 will provide plastic straws. The drafters of his
6 bill made an attempt to address the situation.
7 However, the release (sic) provision are inadequate
8 given that drafted ignores as opposed to what was
9 said did not get adequate input from relevant
10 representatives from across the disability community.
11 What works for college collegiate adult may not work
12 for an autistic elf. (sic) The bill says the food
13 service establishment may provide-may provide simple
14 beverage straws. No. It should not be may provide,
15 but it should must provide, which should be subject
16 store owner or vendor owner to a ADA lawsuit if he or
17 she does not provide a plastic straw, and if DC has
18 altered the bill, places the onus on the customer to
19 be prove that he or she has a disability. This is
20 absolutely unacceptable. The bill must explicitly
21 state that the customer must not bear the
22 responsibility of proving that they have a disability
23 and need a plastic straw. Plastic straws must be
24 provide to any customer upon the customers' request.
25 Please reject this bill, and work with the public to

2 pull already a straw relying on users and they're
3 representing their organizations to draft a bill that
4 addressed the consents of straw users, and the
5 environment it is. Thank you to this committee.

6 CHAIRPERSON ESPINAL: Thank you

7 EDITH PRENTISS: [off mic] My name is
8 Edith. [on mic] Oh, sorry. I have to turn the mic
9 on. [coughs] My name is Edith Prentiss, and I
10 desperately need a drink of water, but I won't. I'm
11 the President of the DIA. There have been two recent
12 articles in the Huffington Post that explain the
13 importance of plastic straws to many people with
14 disabilities. The first is I need plastic straws to
15 drink. I also want to save the environment, and two,
16 straws save lives like mine. Don't ban them. Both
17 articles explain why plastic straws are better for
18 the office than other drinking straw options. For
19 example glass, plastic, metal, rubber, silicon. Many
20 of the tried them, and they're—some of them are
21 pretty gnarly. I had an accident with my first metal
22 straw and took stitches in my mouth. So, I'll never
23 use metal again. I was very disappointed that this
24 bill reached the Chamber without discussion and
25 consideration with people with disabilities. You

2 would think that in 2018 more than 25 years after the
3 ADA, the Council would be more knowledgeable and
4 sensitive to the issues of disability. This week
5 there was a CODA hearing—there was CODA event at a—at
6 a bar on the Lower East Side and we were assured it
7 was accessible. Well, do people lie or do people
8 wish. It wasn't including the bathroom. The
9 accommodation was that was that we should go up and
10 down the illegal ramp to the subway store next door,
11 which had a bathroom. Instead, I left. Earlier this
12 year, Queen Elizabeth banned plastic straws and
13 bottles from Buckingham Palace. Last night Chelsea
14 Clinton Tweeted her support for 936. Even the
15 interested sponsors and co-sponsors have had the
16 audacity to decide for people with disabilities what
17 straws we could and should use despite their obvious
18 total lack of knowledge about drinking straws. I
19 doubt many people with disabilities get to Buckingham
20 Palace. I know that it's really accessible, or care
21 what Hillary Clinton has to—I'm sorry, Chelsea
22 Clinton has to say---I—I misstated there—about the
23 straws, but it's our right to have the straw that
24 works for us. Not a politician and an
25 environmentalist should decide what type of straw

3 people with disabilities use. Although Intro 936
4 includes an out for people with disabilities or
5 medical conditions, an interesting distinction that I
6 didn't really understand, I feel that we will be at
7 the mercy of counter staff that daily abrogates the
8 rights of the people with disabilities to say—who—who
9 continue to ask the same basic question about service
10 animals. No one has the right to ask why you need a
11 plastic straw or why you have a service animal, but
12 they surely will. Thank you.

13 DEBORAH GREIF Good afternoon. My name is
14 Deborah Greif. I am the Chairperson of the Brooklyn
15 Family Support Services Advisory Council. I am a
16 parent of a child with disabilities. I am the
17 sibling and a child of a person with disabilities. I
18 am old enough to remember when we only had paper or
19 sometimes the disgusting wax straws. They were
20 disgusting, and I used to remember eating wax and
21 would get very sick by the time I got home. Paper
22 straws kept constantly breaking or they collapsed
23 completely. I gave you a testimony from a Special
24 Olympics athlete Rodney Hankins who I happen to be
25 his advocate, rep and adopted mom, and yes I'm the
coach. Always remind me I keep saying I'm the coach,

2 but this is things I'm concerned about. I'm on—I'm
3 on my local community board, and we know about
4 recycling. I have not seen you educating society.
5 Recyclable plastics. How come—don't you find the
6 restaurants or places of business that don't recycle
7 properly. It's not that hard to recycle plastic
8 straws. Look, my cousin will be testifying in a
9 minute. When I go with her, we grab our plastic
10 straws to make sure. I get home and I put it in my
11 recycling bin to protect the environment. Why aren't
12 you? It's the law. You could do this, have these
13 bins at the beaches right by Sheepshead Bay, any
14 places and educate them from their starting in early
15 intervention, pre-school, kindergarten, all the way
16 up start teaching everybody and that includes
17 businesses on the proper way of recycling because
18 this way persons with disabilities can use the
19 correct straws they need. Now, you say why do I have
20 cup here? You see okay I can handle this, but have
21 you ever tried to clean a straw. This is what's
22 called the special straw bottle brushes. This is
23 over 20 years old. The reason I can still use it is
24 I properly sterilize it. This is also before Amazon
25 came into existence. Everyone say oh, you can buy it

2 on Amazon. Yeah, right. You can't always because
3 they send you the wrong size brushes. As you see,
4 this is for little ones and all these. What do they
5 do? I can appropriately clean the brush, but I have
6 the manual dexterity. My son does not. He has fine
7 and gross motor skill issues. When he was younger,
8 we had to use straws to teach him to drink properly.
9 I didn't want the drinks on my--on me or my son
10 especially in the winter. Try having a formula on
11 you in the middle of the winter. It's not pleasant.
12 The smell is disgusting. I represent families whose
13 children have texture issues. Some of them can only
14 drink like this. Some need the bendable, and they
15 all need to be considered. Nobody asked us. Let me
16 tell you, whenever I've been asked to appear or
17 answer [bell] things, anything that will affect
18 people with disabilities, I answer them. I never was
19 contacted. I wish you had because I would have told
20 you to take the bill out and let us rework it so that
21 we do the proper thing, but businesses are
22 responsible to doing the correct recycling. If I
23 have to recycle it, I'm correctly because my landlord
24 can fine me if he gets fine because I didn't recycle
25 properly, they can do it, too. I recycle the straws

2 correctly. So, I want everybody else to do it.

3 Thank you. [background comments]

4 ANN MANINO: (Speech Impaired) Hi. Good
5 afternoon, everybody. My name is Ann Manino. I am
6 here in support of plastic straws. As she stated, I
7 have tremens in my hands. I was down to where I still
8 need plastic straws, and you wonder why? Well, as
9 you can see, I have tremens in my hands.

10 [background comments, pause] I cannot hold a cup or
11 drink anything. I use straws them through, coffee,
12 milk, cereal and my bouillon. (sic) I am old enough
13 to remember paper and wax straws prepared for co-amps
14 and last for all the--and some in the straw alone.

15 Yuck. I can't carry frozen meat all in the top.

16 There is sometimes you use same straw with soup, and
17 you can boil a straw of soup, and the coffee and tea.

18 The recent permanent plastic straw made it hard for
19 me to clean, and when using a standard to clean the
20 straw for me. If I go to store to ask they're clean,
21 the answer is no, we don't clean them. No rinse for
22 recyclable plastic straw's coating is clean when we
23 are finished eating--when we are finished eating--

24 [pause] At home I recycle my plastic straws. Why
25 not have a recycling bins, and all essentially.

2 Please for my sake, do not get rid of plastic straws.

3 Please. Thank you.

4 CHRISTOPHER GREIF: Good afternoon. I'm
5 Christopher Greif. Advocate for People with
6 Disability, and as everyone has been saying that I
7 agree. I feel like as a disability and my fellow
8 disability people we feel like we are left out as
9 usual. We are the ones. We voted here. We are the
10 ones who use these straws. It is not right to use
11 paper or wax. Paper melts very fast and it's also
12 dangerous because in high temperatures they could
13 actually burn some people rip, fasten in a heartbeat.
14 If I want a milk shake I can't use it because it's
15 already breaking a piece, and actually can choke a
16 child--it could actually--A child could automatically
17 eat that. They can get sick. There are safety
18 cautions, and the gentleman who was here earlier that
19 mentioned about Human Rights Law in and ADA law,
20 there's also a safety law, too. A child or even
21 anyone that's in this room can choke on that paper or
22 worse, wax. Unfortunately may have to pass away
23 because that stuff is toxic. Plastic straws and
24 other materials like this one here you can't get this
25 in some restaurants and to clean them it's a

2 challenge, and will hurt because it would be nice to
3 our elected officials to really think what they're
4 saying and what they're doing because, you know,
5 we're always stuck in the 20th and 19th Century.
6 We're in the 21st Century. Never asked us what we
7 want from the disability world or the senior world.
8 My other colleagues and my friends are very hurt and
9 very disappointed because again, we are in the dark
10 or not in the sun because we are not asked what we
11 feel. We are the human beings here, too. We are
12 humans. We have soul, but again, we're always in the
13 dark. Don't ask us anything. We work very
14 ourselves. We're all here. We're advocating and
15 we're asking like even this young lady next to me
16 Mrs. Manino has made this very clear. Please do not
17 ban plastic seriously because you—if you're going to
18 take them away that's—how is a person supposed to
19 enjoy a milk shake, a cup—or a cereal, something to
20 eat they enjoy? It's not right, and I think you guys
21 need to instead of rushing it in, check first before
22 you shoot the guns at all of us. We—we ask this that
23 this—this bill should not go through at all costs,
24 and I hope you please to really strongly think about
25 this. Thank you.

2 CHAIRPERSON ESPINAL: Thank you.

3 JOE RAPPAPORT: And want to—sorry. I'm
4 Joe Rappaport. I'm from the Brooklyn Center for
5 Independence of the disabled. All that I want to say
6 is that we appreciated Council Member Rosenthal's
7 comments at the beginning of the hearing, and Council
8 Member Lander's comments as well about now working
9 with the disability community. That has not happened
10 obviously as you've heard, and that's why we're here
11 today, but we're looking forward to working with you,
12 with other Council Members, with the environmental
13 community, and with the range of—the wide range of
14 people in the disability community so that we can
15 craft a bill that actually makes sense for everyone.
16 It doesn't put the onus, as Sharon was saying, on
17 people with disabilities and essentially makes these
18 kinds of straws available to people who need them.
19 The—the other thing I am very concerned about is that
20 it does appear that people do think that they sort of
21 know the answer who, in fact, aren't experiencing the
22 problem, and there was a suggestion that in calls
23 that I made to Council Members and to their aids that
24 well other kinds of straws will do, you know, hard
25 plastic or—or something like. It's not the case.

2 There was an offer in testimony earlier from somebody
3 we'll work to make a straw that can be recycled
4 properly and so on. We're all for—we're all for
5 that. We're all for that, but for the moment for
6 better or for worse the kinds of straws, the kind of
7 plastic straws that are available now are a life
8 saver for many people.

9 CHAIRPERSON ESPINAL: Thank you.

10 JOE RAPPAPORT: Oh, and—and Edith reminds
11 me that we'll talk about the details, but once the—we
12 believe that there will be a change in the
13 legislation, and people have to be made the informed
14 very clearly that this option exists if there's a—a
15 stack of paper straws, for instance, that has to be a
16 sign or something that indicates that plastic straws
17 are available upon request from anyone. Thank you.

18 CHAIRPERSON ESPINAL: Thank you. I
19 appreciate your testimony, and just want to reassure
20 everyone that we are very sensitive to—to your
21 concerns. We did not have any intention of leaving
22 you out. The bill does say 'may' but again it was
23 to, it was—it was pointing of trying to—making sure
24 that you're not left out of the conversation, and the
25 reason this hearing exists is so that you can be able

2 to give us your input, and we can hear from you, and
3 make sure we're doing the right thing moving forward.
4 The bill is not being rushed. It's going to be—it's
5 going to go through its process, and there is time to
6 amend it and make sure there is language, that makes
7 sure it takes your testimony into account.

8 SHARON SHAPIRO: [off mic]

9 CHAIRPERSON ESPINAL: Is your microphone
10 on?

11 SHARON SHAPIRO: If I may, I know you had
12 testimony. That's very apparent, but what you didn't
13 do was call us up like you did in the regular
14 community, and you didn't have us at the table. It
15 has to see and we can't—we have to just start
16 depending on the Council until we've seen a bill of
17 what we need. You need to get us at the table when
18 granting their moments. (sic)

19 CHAIRPERSON ESPINAL: Fair enough. Thank
20 you.

21 DEBORAH GREIF: I want to add one thing,
22 Council man. You need to include us on everything
23 because we, you know, one of—the first panel said,
24 Oh, we—I want to live in a great city. Well, I'm
25 going to tell you I'm a life long New Yorker. We are

2 not a great city because we're not 100% accessible.
3 Our elected officials very rarely include us in
4 anything unless they say, uh-oh, we maybe broke the
5 ADA law. I'm a child of someone with disabilities,
6 and I remember what my mother told me how she-when
7 she went to school and what she was put-was done to
8 her and she was disabled. It's not fair. It's still
9 continuing and it has to stop now. You have to
10 include us because we are voters. The day my son
11 turned 18 regardless of his development plight, I
12 signed for the card-I helped him sign for the card
13 for the Select Services even though he did not have
14 because of his disability, but he's also a voter and
15 I as his parent make sure that he participates, and I
16 do that for my full Council in Brooklyn. I signed up
17 over 400 people at the Family Support there in
18 Brooklyn and these are persons with disabilities. We
19 need to stop being ignored. We are registered New
20 York City voters, and this city needs to be 100%
21 accessible and you need to prepare everybody in the
22 Council whenever anything comes up. You need to call
23 the access-the committee-the people with disabilities
24 because we'll tell you if it will affect us or not.
25 We are living it. So, please remember that.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

77

3 CHAIRPERSON ESPINAL: I hear you and I am
4 with you.

5 DEBORAH GREIF: Thank you very much.

6 CHRISTOPHER GREIF: Council, I just want
7 to add one thing because I know—I seen Councilman
8 Helen—Helen Rosenthal is here, too. One thing, there
9 was one comment earlier today was I think it was kind
10 of inappropriate that it—yes we not only have to
11 worry about the environment, but again safety needs
12 to be remembered because we are the one who have to
13 deal—we have straw for a reason, because it
14 stretches. If you use paper, rips automatically.
15 It's not easy. 97—at least a lot of us here to
16 cannot always grab it. I have spasms in my hands.
17 It's hard for me even in this cold temperature in
18 this room it locks my hands. It's a spasm. So, it's
19 got—we have to be realistic. People with
20 disabilities and everyone in all five boroughs, and
21 again I feel like some of our Council members, and
22 forgive me, I'll have to be a blood hound right now,
23 you make a promise you don't keep. There were a lot
24 of elected officials in the past maybe one or two or
25 three did, but we're in the 21st Century. We need to
get out of the old times and let's move onto the new

2 century. It doesn't matter what, who we are or what
3 we are.

4 CHAIRPERSON ESPINAL: Thank you.

5 COUNCIL MEMBER ROSENTHAL: May I?

6 CHAIRPERSON ESPINAL: Helen.

7 COUNCIL MEMBER ROSENTHAL: Yeah, may I
8 just add real quickly I'm so sorry I couldn't be here
9 to hear your testimony. I have a couple of staff who
10 have been with me and taking notes for me. I was
11 across the call, across the way at another hearing
12 where we're talking about model budgeting, which is
13 something that I've been working on a lot to make
14 sure that our contracts are fully funded. So, we
15 take care of people. So, it was not my intention to
16 miss this testimony, and I-I did get feedback that
17 Council Member Espinal has really listened here, and
18 I appreciate him for that. You know, you have council
19 members here today who are saying very-I hope loudly
20 and clearly, you know, is very much part of the
21 legislative process to get feedback just like this,
22 and to make sure that it's incorporated before the
23 final bill comes out. So, really appreciate your
24 time and I appreciate Council Member Espinal very
25 much. Thank you.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

79

2 CHAIRPERSON ESPINAL: I want to call up
3 Naza Riahi (sp?), Leah Diario, Shayla Morat, Yusef
4 Baez, Bliss Biatrigo, and Lis DiCaprio. [pause]
5 Alright, you may begin.

6 SHEILA MOROVATI: Hello. My name is
7 Sheila Morovati. I'm here with the Crayon
8 Collection. I'm actually—originally it was a pier in
9 New York City for many years, and now I live in
10 Malibu, and I was one of the people who spearheaded
11 the straw ban in Malibu, the plastic straw ban in
12 Malibu. The ban went into effect on June 1st and has
13 been extremely successful so far. I do want to
14 mention that we were with larger corporations, and
15 myself and Senator Henry Stern went to Starbucks on
16 the day that the ban went into place, and they have
17 wonderful paper options that do not melt. The new
18 products last for three hours or more in liquids and
19 the straws that Starbucks had were both sizes for
20 their larger drinks and shorter drinks and they were
21 green, Starbucks green. So, that showed us that
22 there is a solution. These corporations can and will
23 do it, and they're ready to go. So, far we've had no
24 negative response in the city of Malibu. Everyone is
25 on board, and wants to do the right thing. My work

2 personally is about finding and shining lights on
3 habits of waste. As I've spent the past few days
4 here in New York City watching people walking the
5 streets with the Dunkin' Donuts cups and the straws,
6 I wonder how they feel about that 15 minutes or 10
7 minutes that they'll enjoy that drink, and knowing
8 that that straw or probably not knowing that that
9 straw will never leave this planet, and ends up in
10 our oceans at a rate of 500 million per day in the
11 United States alone. These straws do not decompose.
12 Fish and other sea life see them as food, and then
13 they start to break down into micro-plastics that
14 then are ingested by our fish and sea life, which
15 then we ingest as well and are in our waterways. So,
16 I can—I really hope that the city of New York will
17 set the example for large cities to be able to do
18 this, and I sincerely hope that Los Angeles will
19 follow suit, and many other cities. What we saw
20 happen after Malibu was a worldwide ripple effect,
21 and I truly appreciate you all taking the initiative
22 and Council Member Espinal. [bell] Thank you.

23 CHAIRPERSON ESPINAL: Thank you.

24 LEAH D'AURIOL: off mic] Hello. [on mic]
25 Hello. My name is Leah d'Auriol and I'm here to

2 testify on the behalf of the Oceanic Global
3 Foundation in support of Intro No. 936 presented by
4 Council Member Espinal, Jr. I would like to begin by
5 expressing my gratitude for the chance to stand
6 before you during this very important for New York
7 City, and this highly visible moment for the rest of
8 the world. The proposed bill has been presented as a
9 restriction or ban of single-use plastic items
10 particularly straws and stirrers. While this—while
11 that certainly is our goal. My hope with my
12 testimony today is to demonstrate that despite the
13 connotation associated with the term 'ban' and the
14 minute you did and restrict, this bill is not
15 proposing a negative or inconvenient outcome. It is
16 rather proposing an opportunity for positive change.
17 It is proposing the opportunity to protect human and
18 planetary health for now and for the future. The
19 opportunity to give individuals, businesses and
20 corporations the power to make a difference, the
21 opportunity to underscore New York City's role as one
22 of the most influential cities in the world and the
23 opportunity to create a groundswell amongst the
24 cities, states and countries that follow in its lead.
25 As we have heard this morning, and will continue to

3 hear throughout the afternoon, plastic pollution
4 poses and undeniable threat on both human and
5 planetary wellbeing. It's devastating ecosystems,
6 that through change threatening animal species and
7 spreading illness and disease. At this rate, we're
8 currently—at the current rate with consuming
9 plastics, these threats will only expect to increase
10 as newer threats will undoubtedly arise.

11 Nevertheless, I would like to clarify that plastic in
12 itself is not the problem. Plastic is a valuable
13 material that saves lives in medical fields, and
14 allows for technical advancements. The problem is
15 [bell] the way that we're using the plastic. You've
16 heard that we consume 500 million plastic straws per
17 day in the U.S. alone. A material that is made to
18 last forever is used for ten minutes, designed to
19 outlive eternity, cycling through our seas [bell]
20 through the fish we eat, the water we drink. It is
21 estimated that 93% of New York City's tap water is
22 contaminated with traces of plastic. We have an
23 unnecessary reliance on single-use plastics, which
24 stems from convenience, habits and cost efficiency.
25 While there are people that need this, and there are
many opportunities that—there are many different

3 solutions out there, and this is continuously growing
4 very quickly. This is why the environmental
5 community has identified eliminating plastic straws
6 as the first viable step in addressing bigger picture
7 issues related to plastic, and to building a more
8 sustainable future for us all. At Oceanic level, we
9 have not only raised awareness about the problem of
10 the plastic straw, but we've also identified as well
11 as promoted industry specific solutions that
12 eliminate plastics both easily and in a cost-
13 efficient way. We have developed a free downloadable
14 toolkit entitled the Oceanic Standard that teachers
15 readers around the reasoning, the process, the
16 benefits and the marketing opportunities of going
17 straw free. Since it launched in May this year,
18 we've signed over 100 restaurants, hotels, night
19 clubs, bodegas and corporate offices in moving away
20 from plastic straws to more sustainable alternatives
21 such as paper, pastoral hay. We found that by
22 providing solutions, and moving to upon us—moving to
23 a straw upon request only promising, (sic) businesses
24 have not been—have not only been keen to make this
25 switch but have also been empowered to tackle the
larger initiatives. We also found that although

3 these sustainable options can be slightly more
4 expensive, removing straws, and that's upon request
5 only, ultimately save spending this money meeting
6 both business and environmental needs. The
7 businesses in the city are a cool part of this
8 foundation. We want to continue to support their
9 successes as an organization. We have made ourselves
10 a resource available to anyone in the process of
11 making this change. There is a reason that New York
12 City is known as the greatest city in the world. I
13 have mentioned that it is its businesses of all sizes
14 that are part of that reason, but when it comes down
15 to it, it is the people that make the city great. New
16 Yorkers are passionate. They fight for what—they
17 fight for what they believe in, they take action
18 towards protecting each other and in doing what's
19 right. This is evident that New Yorkers here in the
20 room that are taking a stance to pass this bill, and
21 will make a small change—this will make a small
22 change in New York, but it will create a lasting
23 impact on the rest of the world. Thank you.

24 CHAIRPERSON ESPINAL: Thank you. We
25 appreciate it. We're going to ask everyone—we have a
two-minute clock, and we have a lot of people testify

3 today. So, let's try to stick to the clock. Thank
4 you .

5 NAZ RIAHI: Good afternoon and thanks for
6 having me, Councilperson Espinal. My name is Naz
7 Riahi. I'm a founder and Creative Director of Bitten,
8 and events series that positions food a pillar of pop
9 culture and explores—explores this space through the
10 lens of creativity, innovation, technology, art and
11 fun. As such, I dedicated a great portion of my life
12 to working within the industry from consulting with
13 large food brands and start-ups to partnering with
14 chefs in restaurants. The environmental hazard of
15 plastic straws is an issue that's near to my heart.
16 I support the proposition to ban single-use plastic
17 straws in New York City because I believe the
18 positive impacts of such an action is far greater and
19 longer lasting than any short-term challenges. The
20 simple fact is that for most of us, plastic straws
21 and stirrers are not a necessity. The use of straws
22 is a learned behavior. Last year I decided to try
23 drinking my iced coffee out of the cup. It may sound
24 silly, but I was worried that it would be impossible
25 to walk my dog while carrying an unlidded iced
coffee. I don't know if any of you have terriers,

3 but they're little troublemakers. Mine lurches after
4 squirrels and dives for scraps of food as if his life
5 were dependent on it. To my surprise and delight it
6 was neither impossible nor impractical to carry my
7 iced coffee without a lid and a straw, and to drink
8 from the cup. I turns out that this age-old method
9 of putting our mouth on the rim of the cup actually
10 worked. For over a year, I have not-not used a
11 plastic straw, and have not even found need for
12 reusable or a compostable straw. To those who may
13 say that their business is dependent on selling
14 drinks with plastic straws, I say there are
15 alternatives. Algae, bamboo and corn straws are
16 sustainable solutions. If every industry that
17 absolutely needed straws used these alternatives the
18 economies of scale would drastically decrease the
19 cost. Further, small businesses that use
20 environmentally sound straws offset the cost by
21 offering a straw when a customer asks for one. This
22 is the best long-term solution because it is less
23 wasteful and helps people unlearn an unnecessary
24 behavior. In a time when the future of our country
25 and the world can seem doomed, when impactful
positive change seems daunting and impossible

2 elimination plastic straws in New York City is a
3 simple positive action we can take that will make a
4 huge difference. It can be a source for our
5 community, and it can help New York City continue to
6 establish itself as a progressive, thoughtful city
7 positioned to lead by example. Thank you for your
8 consideration.

9 CHAIRPERSON ESPINAL: Thank you. [pause]

10 AYANA ELIZABETH JOHNSON: Good afternoon.

11 Thank you for giving me the opportunity to speak. My
12 name is Ayana Elizabeth Johnson. I'm a marine
13 biologist and a Brooklyn native and founder and
14 president of the consulting company Ocean Collective.
15 I'm here to speak in support of Intro 936. Watching
16 our plastic pollution problem grow and grow is
17 horrifying. Single-use plastics, straws, bags,
18 bottles pollute our parks and streets and waterways.
19 Globally a ton of plastic ends up in the ocean every
20 four seconds. I have done this math myself. It's
21 mind-boggling and it's also one of the easiest
22 environmental problems to fix. I am eager to see my
23 hometown become a true leader in fighting the massive
24 cultural addiction to plastic. We have to get this
25 right. The stakes are high. 83% of drinking water

3 is contaminated both bottled and tap. Once plastic
4 is in the ocean it is broken down into smaller pieces
5 by sun and salt. It becomes micro-plastic, gets
6 incorporated in the food chain. One-third of fish
7 are contaminated with micro-plastic, oysters and
8 mussels are contaminated, contamination of sea water
9 itself means that there is micro-plastic in our table
10 salt. We are eating plastic everyday and we have no
11 idea what the health impacts will be, but common
12 sense says that it's not good. We use science to
13 create a material that lasts forever and now we throw
14 it away all day everyday, and most of this is single
15 use. There is no way. Every piece of plastic that
16 has ever been created is still with us. People are
17 turning to compostable plastics as the answer, but
18 even these made from corn starch turn into durable
19 polymers can take years or even decades to
20 biodegrade. They need to be put under specific
21 conditions to break down, and New York City does yet
22 have the infrastructure, the industrial composting
23 facilities to do this breakdown. So, compostable
24 plastics sit in land fill like everything. It will
25 take much more strong leadership, concrete and
ambitious commitments from government [bell] to

2 tackle our global plastic epidemic. New York City
3 sets global trends. Our city is a cultural arbiter.
4 If New York steps up and leads—steps up to lead, it
5 will make a huge difference. Our city is committed
6 to achieving the UN Sustainable development goals,
7 which includes the aim to prevent plastic pollution.
8 We have a very long way to go to achieve that goal,
9 but we can start by banning single-use plastic straws
10 and we certainly must not stop there. Thank you.

11 CHAIRPERSON ESPINAL: Thank you.

12 LISA DICAPRIO: My name is Lisa DiCaprio.
13 I am a Professor of Social Sciences at NYU and the
14 Conservation Chair of the Sierra Club New York City
15 Group. The Sierra Club New York City Group supports
16 Intro 936-2018, which was introduced by Council
17 Member Rafael Espinal, Helen Rosenthal that
18 represents me and the City Council and Barry
19 Grodenchik. This is an important initiative to reduce
20 plastic pollution, which includes millions of plastic
21 straws and stirrers that cannot be recycled, cannot
22 be recycled. I think that's an important to
23 remember. Technically infeasible to recycle. They
24 are not bio-degradable and there are available
25 alternatives. The proposed legislation reflects an

3 increasing global awareness about the destructive
4 impact of various kinds of plastic pollution. Today,
5 plastics represent the most common form of debris in
6 our oceans and the Great Lakes single-use plastic
7 straws and stirrers comprise more than 7% of plastic
8 products. Plastic straws represent the sixth most
9 common type of litter, and only 1% of these straws
10 are recycled. As related in the National Geographic
11 issue Planet or Plastic, 18 billion pounds of plastic
12 end up in our oceans every year, and more than 40% of
13 plastics that are produced are only used once and
14 then discarded. You know, I'd like to hold up a
15 photograph of a stork completely encased in plastic
16 in a landfill in Spain, which was only freed and only
17 survived because it was released from this plastic by
18 the photographer, and I highly recommend this issue.
19 Many of you may already have it. You can order it
20 directly from National Geographic, Planet or Plastic,
21 which is obviously a very appropriate title. As
22 voluntary initiatives are not sufficient, legislation
23 to ban single-use plastic straws is gaining momentum
24 within and outside of the United States. Several
25 cities as has been pointed out such as Salem (sic)
Malibu and Miami Beach have imposed bans that are now

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

91

2 being considered on a statewide level in California
3 and Hawaii. On April 16th of this year, Prime
4 Minister Teresa May announced the formation of the
5 Commonwealth Clean Oceans Alliance [bell] which will
6 focus on eliminating single-use plastics in order to
7 reduce marine pollution. Most recently on May 28th,
8 the European Commission, which proposes legislation
9 for the EU announced a directive that if approved by
10 these 28 member states will ban several single-us
11 plastic items such as plastic straws for which
12 sustainable alternatives are available. In
13 conclusion, in addition to supporting 936-2018, the
14 Sierra Club New York City group is also advocating
15 for Council Member Espinal Bill 039-2018 to prohibit
16 the sale or distribution of single-use bottles for
17 commercial purposes at New York City beaches and
18 parks as well Council Member Ben Kallos' bill 0636-
19 2018 to prohibit the sale or distribution of single-
20 use bottles on New York City property. With these
21 three interrelated bills the New York City Council is
22 contributing to the global campaign to protect our
23 oceans, which are essential for marine life and the
24 habitability of our planet. Thank you.

25 CHAIRPERSON ESPINAL: Thank you.

2 YUSEF MUBARIS: Hi. My name Yusef

3 Mubaris a New York native a Yemeni merchant and a

4 proud member of the Yemeni-American Merchant

5 Association a non-profit birth from the hugely

6 successful bodega strike in 2017, which is a protest

7 to the travel ban, and we're pleased and proud to

8 provide testimony on behalf of our merchants in

9 support of this bill. We heard all the facts and

10 they're stunning, and we at Yemeni-American Merchant

11 Association stand behind making a change. In the

12 thousands of corners where the Yemeni-American makes

13 a living every day, he is constantly on the lookout

14 for an opportunity to be a force for a positive

15 change in New York, and this is what this bill

16 provides for these normal Yemeni-American citizens

17 everyday. Whether it be their corner, block or

18 borough, the Yemeni bodega is a staple in their

19 communities, and generally the start of each of their

20 community members' day. You grab a coffee, you grab

21 a drink and they give you a plastic straw. We're

22 here to educate our merchants, our thousands of

23 merchants. One less straw a day from each of them is

24 1,000 straws a day that we can help get rid of in New

25 York. We're here to educate them on alternatives

2 such as paper, bamboo, metal or glass straws and make
3 sure they're readily available for their customers
4 even going as far as suggesting their customers skip
5 using a straw altogether. YEMA is proud to support
6 and partner with the Council. We can make a
7 difference and we will. Thank you.

8 CHAIRPERSON ESPINAL: Thank you. Thank
9 you all. I know we have Blyss Buitrago to testify.
10 I wanted—she's been there. Then we're going to call
11 the next panel after Blyss testifies. [pause]

12 BLYSS BUITRAGO: Good morning or good
13 afternoon at this point. [laughs] So my name is
14 Blyss Buitrago. I'm the Community Stewardship and
15 Engagement Manager for the Billion Oyster Project,
16 and I'm testifying on behalf of my organization as
17 well as the countless students, volunteers, donors,
18 academic partners, waterfront communities who make
19 our work possible and meaningful. So, the New York
20 Harbor was once a robust estuary teeming with over
21 220,000 acres of oysteries. However, by the early
22 1990s, oysters were functionally extinct due to a
23 population or over-harvesting. Today, we are able to
24 work with New York Harbor School on Governor's Island
25 to restore to restore oysteries to New York City's

2 waterways. Despite their size, oysters contribute
3 towards water quality, build habitats for many of our
4 marine critters and help protect our shoreline from
5 major storm surges like Super Storm Sandy. The
6 hundreds of students, teachers and environmental
7 educators that we work with are passionate about the
8 oystereries they're creating with us, and the harbor
9 they want to see protected. As they work alongside
10 our team to restore their local waterfront, they're
11 deeply disappointed to witness piles of plastic
12 floatables along their shoreline, which you'll see
13 pictures of in my testimony. As if it weren't bad
14 enough, plastic breaks down into smaller pieces of
15 plastic call micro-plastics that poses a huge threat
16 to other marine organisms, our own public health and
17 filter feeders like our oysters. Oysters
18 unintentionally ingest these micro-plastics while
19 they're feeding and recent studies have show that
20 they greatly negative impact their reproductive
21 rates. Any negative impact on our oyster populations
22 can cause a cascade effect on countless other marine
23 organisms, that call New York Harbor home, organisms
24 like crabs, fish, shrimp, sea horses. You probably
25 didn't know we had sea horses—rely on our oystereries

2 for food, habitat and nurseries. We're trying to
3 provide our estuary with the best opportunities to
4 rebuild its underwater community, and micro-plastics
5 can undo the efforts of our team, our constituents
6 and our Harbor School students. [bell] Today, 70
7 New York City restaurants store and collect their
8 oyster shells as part of our Shell Collection
9 Program, and we use those shells at the foundations
10 of our oystereries. Also, in photos in our testimony
11 as you'll see piles of plastic straws in our shell
12 piles and we look forward to the day when we no
13 longer have to pull those plastic straws out before
14 providing the foundation or our oystereries in the New
15 York Harbor. We're committed to supporting our
16 restaurant partners and ending their use of plastic
17 straws and turning to an abundance of other
18 opportunities. We understand this will be a
19 lifestyle change for all New Yorkers and we encourage
20 the Council members to work inclusively with all New
21 Yorkers to find a solution that keeps the environment
22 and New York City's communities safe and health.
23 This legislation will cause a huge sea of change for
24 the health of New York Harbor and build upon the
25 strong foundation of outreach and awareness that

2 sustainably minded environmental organizations like
3 many of those that we testify in solidarity today.
4 Thank you.

5 CHAIRPERSON ESPINAL: Thank you so much.
6 Appreciate it. The next panel we have Robert
7 Sunshine, Andrew Riggie, Robert Bookman, Kevin Dugan,
8 Melissa Chapman, and Gregory Giananey. [background
9 comments, pause] Melissa Chapman?

10 MELISSA CHAPMAN: [off mic] Yes.

11 CHAIRPERSON ESPINAL: Oh, she's here?
12 Okay. Got you. You can pull up a chair. Okay, sir.

13 ANDREW RIGGIE: Oh, it's good to be back.
14 Thank you. I'm Andrew Riggie of the New York City
15 Hospitality Alliance. We're a trade association that
16 represent restaurants and bars throughout the five
17 boroughs. First, I just want to—I hope someone from
18 the de Blasio Administration is here. I'm very
19 disappointed and quite frankly astonished that that
20 was the testimony of the Department of Consumer
21 Affairs coming out explicitly opposing the
22 legislation to allow restaurants the option of adding
23 a clearly disclosed surcharge to their menu prices a
24 right that is given to business owners. Actually,
25 everywhere else throughout the state of New York and

2 Long Island and Buffalo and Westchester County and
3 around the country. Progressive cities like San
4 Francisco, Seattle you see restaurants that are
5 adding clearly surcharges. One of the reasons I'm
6 astonished is that we've been working on this for two
7 years with the Administration. They assured us that
8 they are listening to us, and to have them come here
9 and explicitly oppose it. Like I said, it makes a
10 lot of our city's small business owners kind of feel
11 like it's a slap in the face. So, I really want to
12 thank the Council for hearing this bill. It is
13 clearly more important than ever. The cost to
14 operate a restaurant in the city has skyrocketed. I
15 can speak with any local businesses in your district
16 or any of the other members' districts and you will
17 hear from them that it is getting tougher and tougher
18 to operate a business. Contrary to comments made by
19 the Mayor, the restaurant industry in many cases is
20 struggling. Employment growth in full service
21 restaurants dropped from average growth about 7% a
22 year to less than 2%. The number of licensed
23 establishments from the liquor authority has
24 plummeted, and we're really concerned. Many of the
25 restauranteurs, new restauranteurs, existing

3 restauranters that have been in the business for a
4 long time have transitioned from full-service
5 restaurants that employ a lot more people where
6 people make a lot of money in tips to limited service
7 restaurants or they're just going and operating in
8 other cities. So, they really need the opportunity
9 to use this clearly disclosed surcharge. That's
10 where it comes in. It's not a fix-all, but it's one
11 tool that's commonly used in all other industries
12 that may help some businesses and workers in today's
13 challenging climate. [bell] If restauranters believe
14 they—I hope I could just read this to be on top of
15 people. Restauranters believe they could just raise
16 menu prices. They would, and we wouldn't be having
17 this conversation, but your favorite restaurant did
18 not design consumer purchasing behavior. They are
19 just trying to run a business and employ people, pay
20 taxes and create nice experience—nice experiences
21 within its confines. If their consumers don't like
22 the surcharge they won't continue to us it, and as
23 long as the charge is clearly disclosed to the
24 consumer where all menu prices are listed, as
25 required by this proposed law, there's nothing to
deceptive about this practice. Which leads us to a

3 really important question about the legality of the
4 Department of Consumer Affairs rule in the first
5 place. The rule is promulgated under the section of
6 the law that prohibits deceptive trade practices.
7 Now, if the surcharge is clearly disclosed, then it's
8 clearly not deceptive, and because surcharges are
9 permitted in all other industries in the city, the
10 rule is also discriminatory toward the restaurant
11 industry, and ask member—representative of Department
12 of Consumer Affairs mentioned earlier over the years
13 they have issued many interpretation letters to the
14 rule providing multiple different exceptions except
15 the one that restauranteurs want, which really has
16 basically turned this rule into Swiss cheese, and
17 further delegitimizes its standing. So, it's clear,
18 however, that if the rule is enacted or this
19 legislation is enacted or the rule is repealed, the
20 city would still have the authority and they should
21 have the authority to penalize a restaurant that
22 applies a surcharge without properly disclosing it to
23 a customer. It's important to note this has been an
24 issue for full-service restaurants, not one of
25 limited service restaurants, respected business
owners throughout the city especially many of them

2 who sit on the Mayor's own Food and Beverage
3 Hospitality Council greatly support this, have been
4 pushing for this issue and they want a surcharge.
5 There's two camps. One want to use a surcharge of
6 about three to four percent where customers will
7 still tip. Some others would like to consider a
8 larger surcharge and potentially move away from a
9 tipping model. This will help reduce the disparity
10 of wages between front of house workers and kitchen
11 workers who are unable or prohibited by law from
12 participating in a restaurants tip pool. So, the
13 change or this legislation will bring greater equity
14 to the workplace, and in both examples, restaurants
15 would independently set the surcharge percentage and
16 business models so it's tailored for the specific
17 needs. In 15 years of doing this work, having seen
18 many issues that have been so important to this. For
19 the past years nearly every day I hear from one or
20 more restaurant or bar owners that just want the
21 option to add a clearly disclosed surcharge. So, I
22 thank you, Mr. Chair, Council Member Borelli for this
23 bill, and really everyone in the Council and I urge
24 you to get this inappropriate antiquated rule off the

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

101

2 book and we ask you please support and pass Intro 823
3 and do it soon. Thank you.

4 CHAIRPERSON ESPINAL: Thank you.

5 ROB BOOKMAN: Good afternoon, my name is
6 Rob Bookman. I'm Counsel to the New York City
7 Hospital Alliance, Andrew's group. I've also been in
8 private practice for more decades than I care to
9 admit any longer, and prior to that I was Counsel to
10 the Department of Consumer Affairs. So, I want to
11 put this in legal context. Everybody else here will
12 talk about how important the industry needs it from
13 a—from a business perspective. Let's talk about the
14 law for the moment. This bill is designed to correct
15 a long-standing error of a regulation that was
16 adopted in 1974 even before I was at Consumer
17 Affairs. For those of us who aren't good in math, 44
18 years ago to correct a temporary issue that existed
19 back at the time. There was a spike in meat prices,
20 and restaurants back then back in the '70s menus are
21 printed like once a year. There were these big
22 books, and because of this spike in—in—in beef
23 prices, menus—restaurants, steak restaurants and
24 other were tacking on—on the bill when people got it
25 a surcharge to accommodate this temporary spike in

2 meat prices. So, Consumer Affairs was a new agency
3 then. It just started five years earlier. Consumer
4 protection was actually what they were all about
5 unlike today, and—and so they adopted this regulation
6 to correct that problem. Fast forward to a new era
7 today of 2018 where surcharges are common in our
8 society. They are neither deceptive nor are they
9 unconscionable. You can't go into a Yellow Cab
10 without a lawfully approved surcharge. You can't get
11 on an airline without a surcharge. You can't book a
12 catered event without an admin fee or a surcharge.
13 Toda it's—it's different from 1970s. I don't
14 understand their stubbornness in refusing to
15 recognize that. Instead, what they have done over
16 the decades is micromanage the restaurant industry
17 with—and stick with this 1974 rule by keep coming up
18 with more and exceptions to how—when we can [bell]
19 put in a charge, and since the rule was adopted under
20 the CPL, the Consumer Protection Law, the Consumer
21 Protection Law regulates unconscionable and deceptive
22 trade practices. So, in order for them to promulgate
23 a rule under that, the practice has to be
24 unconscionable or deceptive. Clearly it's not
25 deceptive based on the legis—the way this legislation

3 is written because it would be a clearly disclosed
4 charge on the menu on the boards wherever there are
5 prices. Secondly, it clearly cannot be unconscionable
6 because not only does it exist everywhere else in New
7 York where they're not stopping it but they agree
8 that new-restaurants can do it but only under
9 micromanaged circumstances of eight people or more,
10 you're splitting the bill. They've decided when it's
11 okay for a restaurant to add a surcharge. That's not
12 within the purview of the Consumer Protection Law.
13 It's either unconscionable and deceptive or it's not.
14 By their own testimony and by the questions of
15 Councilman Powers it clear that it is neither
16 unconscionable nor-nor is it deceptive. Finally,
17 their-their testimony about consumers being confused,
18 you know, if there was a surcharge. Well, by that
19 logic, then they should bring charges against Macy's,
20 you know, for having 20% off sale because if they
21 said consumer can't figure out what a 20% surcharge
22 might look like well then how could they figure out
23 what a 20% discount is like? But clearly we are-we
24 are-they under the Consumer Protection Law allow
25 every store to do a sale and the sale is a percentage
the consumers still have to figure it out. So, it's

3 neither unconscionable nor deceptive and if-if
4 consumers are that credulous that they can't figure
5 it out, then they should probably outlaw \$9.99 for
6 any item as well because it's really \$10 and the
7 reason why it's \$9.99 is because people believe that
8 that's lot less than \$10.00. We're here to protect
9 the average consumer. This bill does that. It-it
10 allows restaurants to do in New York City what we're
11 allowed to do everywhere else in the world, and that
12 is have a clearly disclosed charge-surcharge. If
13 restaurants don't want to do it they won't do it. If
14 they do it, and people don't like it they'll vote
15 with defeats-defeat. They're vote with their feet,
16 and they'll-they'll go to a restaurant that doesn't
17 do it. The Council needs to clarify this issue once
18 and for all, protect this industry, allows us to be
19 competitive and this legislation does it. Thank you.

19 CHAIRPERSON ESPINAL: Thank you.

20 KEVIN DUGAN: Good afternoon. My name is
21 Kevin Dugan, and I'm the Director of Government
22 Affairs for New York State Restaurant Association, a
23 trade group that represents food and beverage
24 establishments both here in New York City and
25 throughout New York State. Intro 823 would go a long

2 way to improving the business climate for many
3 owners—for many owners as it provides them with a
4 much needed economic tool. Therefore, we applaud
5 Council Member Borelli and—and Chairman Espinal for
6 introducing this important legislation and having
7 this hearing today. Allowing restaurants to
8 incorporate a surcharge structure would allow them to
9 offset costs and bring pay equity to their operations
10 as businesses continue to fight uphill against an
11 ever-increasing cost. It is many of the employees
12 that work in the kitchens that suffer. These
13 employees are currently are not allowed to take part
14 in any kind of tip pool due to the New York State
15 Department of Labor Law. While other employees have
16 the ability to supplement their income through tips,
17 these workers do not. This forces them to rely
18 solely on the hourly wage the employees can afford to
19 pay them and with dollars becoming increasingly
20 stretched back-of-house employees are forced to go
21 longer with seeing any kind of increase. By allowing
22 restaurants to institute an administrative fee or
23 surcharge, owners would be—owners would be able to
24 bring an additional income to these workers and give
25 these workers raises that they so richly deserve. In

2 1974 the New York State Department of Consumer
3 Affairs has—as Rob just touched on, implemented a
4 rule that prohibits restaurants from adding certain
5 types of charges to the menus. The original intent
6 of the rule was to protect consumers against unfair
7 practices, which was the result of a beef shortage at
8 the time. Clearly these issues are no longer
9 prominent and further consumer protection laws have
10 been established. Simply put, the current law that
11 prohibits this practice is out of date and no longer
12 serves the purpose it was created for. No longer do
13 customers have to worry about being charged a price
14 that differs from what they see on the menu. Over
15 the last few years we have continually made this
16 point to the New York City Department of Consumer
17 Affairs and we have still—and we still have yet to
18 see any progress made in getting this law changed.
19 Every other corner of the state allows restaurants to
20 operate with this type of fee of surcharge. This
21 simply isn't fair. We agreed that any surcharge or
22 administrative fee needs to fully disclosed, and any
23 menu or menu board in clear and conspicuous manner.
24 New York City restaurants are being forced to operate
25 at disadvantage, a rule that no longer fits the

2 purposed it was set out to fulfill. We urge the City
3 Council to correct this mistake and pass this needed
4 legislation. In conclusion, the New York State
5 Restaurant Association supports Intro 823 and it
6 urges the Council to look for further ways [bell] to
7 assist the businesses that call this home. We look
8 forward to working with the Council on future bills
9 that touch, also touch on this area.

10 CHAIRPERSON ESPINAL: Thank you.

11 MELISSA CHAPMAN: Good afternoon, Council
12 Members. My name is Melissa Chapman and I'm the
13 Senior Vice President for Public Affairs at the
14 Brooklyn Chamber. I'm delivering testimony on behalf
15 of Ray Russo, our Acting President. The Brooklyn
16 Chamber of Commerce is an economic development
17 organization with over 2,000 active members. The
18 bills being considered today will directly impact the
19 local business community that we serve, and so we are
20 very appreciative of the chance to provide feedback.
21 We are supportive of Intro 823 that would allow
22 surcharges in restaurants. The cost of doing
23 business as well as new compliance requirements are
24 increasing in our city and often times operators are
25 unable to keep pace with unexpected expenses. In

2 Brooklyn Chambers 2017 Member Issued Survey, our
3 members highlighted specific obstacles to doing
4 business in New York City such as the high cost of
5 providing health insurance to employees and finding
6 affordable real estate and also 29% of our members
7 identified government regulations, fines and fees as
8 a problem. These challenges can have a crippling
9 effect on a restaurant's ability to remain in
10 business as well as hire and retain employees.
11 Allowing restaurants to implement a surcharge will
12 have a meaningful impact in offsetting rising
13 operational costs so that they can keep their doors
14 open and create job opportunities. We're also
15 supportive of Intro 963, which would see a ban on the
16 use of plastic and-plastic beverage straws and
17 stirrers. Earlier this month, the Brooklyn Chamber
18 surveyed our members on this bill and 81% of them
19 supported it. We believe that the enactment of this
20 legislation will address serious environmental
21 concerns related to plastic pollution, which is very
22 harmful to marine life. However, educational
23 outreach by relevant enforcement agencies before and
24 after the law takes effect will be very important in
25 helping these businesses to be in compliance and to

2 avoid related fines for violations. We recommend the
3 use of the city's Chamber on the Go Program in each
4 borough [bell] so that businesses can receive the
5 information without having to leave their business.
6 Thank you for the opportunity to testify as it
7 relates to these matters.

8 ROBERT SUNSHINE: Councilman Espinal,
9 again we thank you for the opportunity to speak.
10 It's unfortunate that we're near the end of the
11 period as we have to rush through our testimony.
12 I've submitted a written testimony. I hope that the
13 committee gets to read it. Our group is the National
14 Association of Theater Owners of New York State. We
15 represent in this state hundreds of theaters. In New
16 York we represent about 40 theaters. We oppose this
17 well intended legislation for several reasons.
18 Number 1 is cost. All the costs has been mentioned
19 several times during the course of this hearing. No
20 one has really stated how much additional money it
21 would cost. We have done a lot of research in this
22 area, and at this point now using straws that would
23 be biodegradable are somewhere in the area of 8 to 10
24 times as much as plastic straws. I just got back
25 from the convention that we run in Barcelona, and for

3 the first time Coca-Cola, who is one of our sponsors,
4 used paper straws. You know, I think you can imagine
5 what a paper straw in a cup of Coca-Cola for two
6 hours when you're looking at movie what happens.
7 They shrink up, they shrivel. It's tough. Just like
8 other industries we face rising costs in the city of
9 New York, film rental, rent, different taxes,
10 different permits, and this is just going to add
11 additionally to the cost of the ticket. One of our
12 largest circuits in the country did a pro forma
13 across the entire country if they had a switch to
14 paper straws, and it will cost them approximately
15 \$4.8 million. The second reason is the suitable
16 alternatives to plastic straws. They're just not
17 available at this time. Again, we've researched it.
18 The straws that we need in our theaters are at least
19 10-1/2 inches up to 12 inches depending upon what the
20 drink is. Whether it's an icy or a frozen drink, we
21 cannot find straws that big at this time. We need
22 more time so, if this law goes into effect and it's
23 for 180 days, we—we would urgently request that we
24 have a period of two years to research this and get
25 the manufacturing in place, and finally, a different
approach—approach for this would be voluntarily

2 offering a straw upon request and this is happening
3 in many jurisdictions right now rather than just
4 putting it in the soda. So if the bill is adopted as
5 law we urgently request that there be a two-year
6 delay in enforcement so that we could be prepared and
7 abide by the law. Thank you.

8 CHAIRPERSON ESPINAL: Thank you Robert.
9 Well, thank you all. I appreciate all your testimony.

10 I've got to run. Can I give you two
11 seconds comments on the other two bills so I don't
12 have to wait for the next to be called again?

13 CHAIRPERSON ESPINAL: Sure.

14 ROB BOOKMAN: Sure. Alright, we
15 completely support your tobacco correction bill. I
16 represent a lot of small business owners. That was an
17 unintended consequence of the package that the
18 Council passed. They're a handful. No inside. Notice
19 the Health Department didn't say how many.

20 Anecdotally, I don't think there's more than a
21 handful of businesses that were previously licensed
22 to sell tobacco products, but did not meet the New
23 York City license because they didn't sell
24 cigarettes, and now they're caught up in that, and
25 they can't get the cigarette license. They can't get

2 the tobacco license. It's not fair. It's putting
3 people out of business. So, that's my comment on
4 that. I think you—I think it's correct and on—and—
5 and I just want to add a comment again to reiterate
6 what our industry is, you know, you now, on the
7 straws, is limiting it just to the Health Department
8 is really not addressing your problem. It's nice to
9 see that Bodega Association, the Bodega Association
10 was here and very nice. They're not under this bill.
11 The bodegas aren't licensed by the New York City
12 Health Department. They're licensed by the
13 Department of Ag and Markets as are 7-11s, you know,
14 and—and, you know, and supermarkets, you know. So,
15 if you really want to have an impact here and you
16 want us to be fair to everyone, then you take it out
17 of the Health Department, who could only license—only
18 regulate their own business, put it under DEP, and
19 make it all businesses that have straws, you know,
20 and then you really are having an impact. Otherwise,
21 you know, it's—it's very minimal and we also, you
22 know, trust DEP more than we trust the Health
23 Department. [laughter]

24 CHAIRPERSON ESPINAL: Alright. Thank
25 you. Appreciate it, guys. Thank you. I'm going to

2 call up the next panel. We have James Sterlicht from
3 Oceanic Global; Emily King from Lonely Whale; Jose
4 Soegaard from the Waterfront Alliance; Edita
5 Birnkrant from NYCLASS. [background comments, pause]
6 I also want to notably mention we were joined by our
7 new Director of Nightlife Ariel Palitz who is here
8 listening in, our new night mayor. [background
9 comments, pause] Whenever you're ready, you may
10 begin. [background comments, pause]

11 EMILY KING: Alright. Hello, everyone.
12 My name is Emily King and I'm here testifying on
13 behalf Lonely Whale in support of Intro No. 936
14 presented by Councilman Espinal, Jr. One metric ton.
15 That is how much plastic enters our ocean every four
16 seconds. 2050, this is the year in which there will
17 be more plastic in our oceans than fish by weight.
18 These statistics are scary and seemingly
19 insurmountable with evidence of plastic pollution and
20 our role in its destruction growing each day. So,
21 how do we citizens and business owners help protect
22 our ocean, help protect the safety and security of
23 the tap water our children drink, which we know is
24 already riddled with microplastic. At Lonely Whale,
25 we believe in the power of market leadership and

3 celebration and a positive chain reaction of staring
4 with just one thing. One year ago we aimed to kick
5 start this positive chain reaction with the challenge
6 to stop sucking on plastic straws. Within four
7 months of launching the social media challenge we saw
8 304 million organic impressions on social with
9 challenges accepts in over 25 languages from
10 celebrities and social influences around the world
11 and championed by the United Nations Environment
12 Program's Executive Director Erik Solheim. Since our
13 Movement for a Strawless Ocean supported by over 50
14 ocean health NGOs including Oceanic Global
15 represented here today has been embraced by countless
16 more individuals, Corporations including Alaska
17 Airlines, Coachella Music Festival, the Miley Family,
18 Live Nation Entertainment and countless others and
19 governments around the world have also taken action.
20 She we released the toolkit to empower these
21 corporations and also individuals to take action
22 within their establishments and communities ensuring
23 that once they embrace this movement they were not
24 alone in their action, but instead art of something
25 much larger than themselves. Today, Councilman
Espinal, Jr.'s bill is positioned to further the

2 efforts of the Global Conservation Community and this
3 critical first step towards a larger global chain
4 reaction led by New York City. Straws are just one
5 of many single-use plastic items that contribute to
6 the growing amount of plastic waste entering our
7 ocean, and estimated 4 to 12 million metric tons
8 every year, but a critical one we view as a gateway
9 plastic to addressing this issue at scale. Just this
10 may Dr. Marcus Eriksen, Co-founder of the 5 Gyres
11 Institute [bell] and leading—leads on the trail on
12 microplastics but a team of scientists on a 2-hour
13 trip on the East River to document micro-plastic
14 polluting siting the waters for Manhattan. During
15 the 20-minute trail Marcus and his team found three
16 drinking straws. [bell] While three straws might
17 not sound like an overall main discovery, these
18 straws found in a small stretch of the East River
19 represent the much larger plastic pollution crisis
20 plaguing the waters surrounding New York City. Marcus
21 and his team estimated there could be as many as
22 130,000 plastic straws floating in the waterways
23 around Manhattan in both the East River and Hudson.
24 At Lonely Whale we recognize we can't solve this
25 problem alone and it cannot be overstated that this

3 movement must be diverse and inclusive. It is
4 critical that we recognize and lift up the voices of
5 our allies in the disability community and those that
6 are underserved. We need all voices, all industries
7 and all communities to come together in support of
8 this important first step to protect our environment,
9 and ultimately ourselves. Today, New York City has
10 the opportunity to demonstrate bold leadership and
11 join the movement for a strawless ocean. That is why
12 on behalf of Lonely Whale I am honored to stand
13 alongside the leaders present here today in
14 supporting Councilman Espinal, Jr. and Intro 936.

15 EDITA BIRNKRANT: Thank you. My name is
16 Edita Birnkrant and I'm the Executive Director of
17 NYCLASS an animal advocacy and political action non-
18 profit organization with supporters and activist
19 chapters in all five boroughs, and I'm a resident of
20 Queens. We commend Council Member Espinal for his
21 leadership on this incredibly important initiative.
22 This legislation acts on the philosophy that of
23 acting locally and thinking globally, positioning New
24 York City as a leader by taking historic steps to
25 protect our environment. 500 million plastic straws
are used every day in the U.S. That's enough straws

2 to circle the earth 2.5 times and it takes up to 200
3 years for a plastic straw to decompose and they can't
4 be recycled in most places. I've done many beach
5 cleanups here in New York City and the amount of
6 straws that are collected in in just one day is
7 staggering. According to a 2016 report by the World
8 Economic Forum, if we don't take action by 2050,
9 there will be more plastic in the ocean than fish.
10 According to the report titled the *New Plastic's*
11 *Economy*, the worldwide use of plastic has increased
12 20 fold in the past 50 years and is expected to
13 double again in the next 20 years. Intro 936 is a
14 powerful step to help combat the systematic problem.
15 In addition to being an environmental hazard, plastic
16 straws are also harmful to animals going so far as
17 contributing to the death of significant populations
18 of marine life. Many of you have seen the
19 heartbreaking footage of marine biologists painfully
20 removing plastic straws from the noses of turtles.
21 Turtles are just some of the animals injured or
22 killed by plastic straws and other plastics, marine
23 life varying from plankton to pilot whales are being
24 poisoned by plastic that ends up in our waterways.
25 Each year 1 million sea birds and one 100,000

3 thousand marine animals die from ingesting plastic.

4 Other cities and entire countries are on their way to

5 banning plastic straws and more and more companies

6 are making the switch to plastic straw alternatives

7 including McDonald's, Ikea, Sea World and Royal

8 Caribbean, which all recently announced their

9 intention to phase out plastic straws. Biodegradable

10 or reusable alternatives such as paper, bamboo, metal

11 or glass are readily available and passing Intro 936

12 will help ensure that they become even more widely

13 available. New Yorkers can feel empowered that they

14 are doing their part to help achieve plastic-free

15 oceans one sip at a time. NYCLASS therefore supports

16 this legislation, and we commend Council Member

17 Espinal for his leadership.

18 JOSE SOEGAARD: Thank you and good

19 afternoon. I'm Jose Soegaard, Director of Policy and

20 Programs for Waterfront Alliance a non-profit civic

21 organization working to restore and revitalize our

22 New York harbor and waterways. I'll read a brief

23 summary of our statement. The Waterfront Alliance

24 strongly supports Intro 936 as part of the wider

25 effort to remove harmful plastic pollutants from our

waste stream, which cause disproportionate impacts to

3 our waterways and marine habitats, as we've heard
4 throughout the afternoon. Many plastic products
5 including single-use plastic straws are carried
6 through storm sewers and into our local rivers and
7 onto our coastlines. This bill is an important step
8 toward improving the health of our waterways both for
9 the people that use and enjoy the water, and the
10 aquatic species that call our shared waters home, and
11 I want to emphasize that it's not just the oceans,
12 but it's the waterways right here in New York City,
13 and people are using those waters again as a vital
14 resource for recreation and education. Thanks to
15 progress spurred by the Clean Water Act, many of our
16 waterways are once again clean enough for regular
17 recreational use. We've made significant progress on
18 that front. This has brought more and more New
19 Yorkers onto and into the water from paddling and
20 sailing to fishing and oyster monitoring, but
21 according to a survey we conducted last year, the
22 growing community of volunteer-led human powered and
23 non-motorized boating organizations put more than
24 100,000 people on the water at no cost and more than
25 25 locations. Above all, single-use plastic straws
cause unnecessary disproportionate harm relative to

2 their benefit, and was we've heard this afternoon,
3 they are effectively non-recyclable. For most but
4 crucially not all New Yorkers plastic straws are a
5 convenience rather than a necessity. We recognize
6 that people with disabilities may require straws for
7 drinking water or other beverages and we fully
8 support efforts to ensure that this legislation does
9 place undue burdens on New Yorkers with disabilities.
10 New York must be a leader in this global challenge.
11 We join environmental advocates in urging the New
12 York City Council to pass this legislation [bell] and
13 substantially reduce the use of single-use plastic
14 straws here in New York. Thank you for the
15 opportunity to present this this morning.

16 JAMES STERNLICHT [off mic] Hello. My
17 name is James Sternlicht. I'm the Director--
18 [background comments] Alright, my name is James
19 Sternlicht. I'm the Director of Development for
20 Oceanic Global, which is an NGO working to empower
21 people to make better choices in their consumption
22 behaviors and also businesses in that regard. We've
23 heard a lot today about the numbers. The numbers are
24 staggering and I don't think it needs to be repeated
25 again. You know, so Americans were using so much

2 plastic and so many plastic straws that we don't need
3 to using that getting rid of this waste is a no-
4 brainer. We have a duty to also be inclusive, and
5 part of the way that our great American economy
6 responds to challenges like having straws or people
7 needing straws, and not being able to use plastic
8 straws is to create these solutions. We work with
9 Oceanic Global with a number of non of for-profit
10 solutions providers and non-profit solution providers
11 to work on how to structure those solutions. So, a
12 large part of what we do actually helps lower the
13 cost basis of making the change for businesses and
14 help find new solutions for those who need them, and
15 to that end, we believe that the importance of moving
16 towards bill is a step not only in the right
17 direction but a step that will lead to more
18 flexibility for the disabled community as well as the
19 American people and our goals—our goal with as a
20 family. Thank you.

21 CHAIRPERSON ESPINAL: Thank you. I
22 appreciate that. Thank you for testifying. So,
23 we're—we're testifying here on three different
24 issues. We do have a lot of folks signed up to
25 testify on the plastic straws, but just for check,

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

122

2 who is here for restaurant surcharges? Okay, and
3 who's here for the retail-tobacco retailers. Okay,
4 so let's-let's go to tobacco retailers. We have
5 Robin Vitale, Michael Devoli, Robert Edmonds, Spike
6 Bam-Banbien. [background comments, pause] You may
7 begin.

8 ROBERT EDMONDS: Oh, good afternoon,
9 Chair Espinal and members of the Consumer Affairs and
10 Business Licensing Committee. My name is Robert
11 Edmonds of Edmonds and Company. I'm testifying today
12 on behalf of Davidoff of Geneva, which operates three
13 retail locations in New York City recently affected
14 by the 2017 tobacco sale regulations. I'm here today
15 testifying in support of Intro 965. Last year an
16 expansive set of tobacco legislation was passed by
17 the New York City Council and signed into law by
18 Mayor de Blasio on August 28, 2017. Intro 965 is a
19 technical amendment necessary to address a failure of
20 notice to a small and specific subset of tobacco
21 retailers, those that did not sell cigarettes or
22 vaping devices, and did not hold cigarette licenses.
23 Prior to the passage of these new laws, cigarette-
24 cigar retail establishments that did not sell
25 cigarettes were never required by the New York City

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

123

3 Department of Consumer Affairs to hold a license in
4 order to lawfully sell cigars. Cigar retail
5 establishments not engaged in the sale of cigarettes
6 were only required to comply with the New York State
7 registration and licensing requirements to sell
8 cigars. One of the new laws, Local Law No. 146 of
9 2017 updated the New York City Retail License for
10 selling cigarettes to encompass all types of tobacco
11 specifically including cigars. As a result of this
12 law, all tobacco sellers were required to file an
13 application for a license as a cigarette retail
14 dealer prior to February 24, 2018. If a tobacco
15 seller in New York City failed to file the cigarette
16 retail dealer application prior to February 24th, it
17 would effectively be barred from doing business in
18 New York City. There are several cigar only
19 retailers in New York City that sell cigars but do
20 not sell cigarettes or vaping devices. [bell]
21 Presumably because they were not previously required
22 to be licensed by the city, they were not on the
23 notice radar. These retailers receive no notice of
24 the new law or of the severe consequences of missing
25 the deadline. The proposed bill would act to remedy
this technical oversight and allow a specific and

2 small subset of tobacco retailers the opportunity to
3 apply for the requisite city license and to continue
4 their businesses in New York City. This bill
5 requires that (1) the retail dealer was validly and
6 currently licensed by New York State prior to
7 February 24, 2018 to sell tobacco products at retail,
8 and (2) the retail dealer was not required to hold a
9 license by New York City prior to February 24, 2018.
10 These requirements will limit the pool of potential
11 applicants to exclude any tobacco retailers selling
12 cigarettes prior to this date and to exclude any new
13 cigar retailers established following this date. In
14 addition, the bill limits the application period to
15 180 days following its passage. Without this
16 technical amendment the three Davidoff of Geneva
17 stores and the few others similarly situated [bell]
18 would be forced to close their retail locations in
19 New York City despite their full compliance with all
20 New York State and all New York City laws for many,
21 many years in each case. Thank you.

22 CHAIRPERSON ESPINAL: Thank you.

23 SPIKE LEVAN: Hello, New York City
24 Council-Committee-Council Committee members. My name
25 is Spike Levan. I have been here many, many times of

3 the past few years. I am here representing today as
4 a regional representative for the New York State
5 Labor Association. We represent hundreds of business
6 owners in New York State and about 60 or 70 in New
7 York City. As people own vapor shops, the vapor shops
8 do not sell cigarettes. We do not sell tobacco. We
9 do not sell cigarettes. So, in relation to this bill
10 we don't necessarily oppose it. We don't necessarily
11 support it. However. We would strongly encourage you
12 to understand what the laws that were passed have
13 done to our businesses. As a business owner in New
14 York City I grew to over five locations with my own
15 vape shop over the last seven years. All five are
16 here in New York City, one in Brooklyn, one in
17 Queens, and three in Manhattan. All five of my shops
18 will be closed in two years. I will have to fire 13
19 employees including myself and my partner over the
20 next two or three years because of this law. It does
21 not permit a vape shop to move its e-cigarette
22 license within the same district. We understand that
23 the cap by attrition has to lower number of tobacco
24 shops. The intent of lowering the tobacco licenses
25 is to help people to stop smoking. Well, I have
helped 10,000 people stop smoking in the last eight

2 years, and I dare anyone else to be able to say that.
3 My employees have helped 10,000 plus people stop
4 smoking over the past eight years, and all of my
5 shops will be closed in two years because of this
6 law. Two of my landlords found out that I can't move
7 my license-free cigarettes. They said if you have
8 any cigarette license then you cannot move. So,
9 guess what, next year your lease ends and your rent
10 is going to be a thousand dollars higher. They're
11 extorting money out of me because they know I have no
12 choice. I have to close or I have to pay it. I am
13 not going to lose my businesses. I'm not going to
14 fire my employees. That's crazy. [bell] It's
15 absolutely crazy. I have tried over the last two
16 years. I was here presenting on this same issue and
17 begged the Council to please allow us to move our
18 license within the same district, not open a new
19 store, not get a new license, move our license within
20 the same district. One of my stores had a flood. It
21 almost irreplaceable. They almost had to shut down
22 and wipe out the whole building. I wanted four
23 months for them to open back up again. If here's a
24 fire in one of my stores, if there's a flood, if my
25 landlord crushes the building I have no business. We

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

127

2 have helped 10,000 New Yorkers and New Jersey and
3 Connecticut and Tri-State area, people get off of
4 cigarettes. Do not force us out of business by not
5 allowing us to move our stores by acts of God, by
6 reasons of landlords being jerks, by every other
7 reason that will make us absolutely unable to
8 continue business in New York City. Please. I have
9 begged for meetings with every one of my Council
10 Members from my five stores, and only one out of five
11 met with me, and you know what their answer was to
12 me: I'm sorry. We can't help you. Good luck. That
13 was the answer. So I should just close all five of
14 my stores. It's not acceptable, and I am begging any
15 Council member who hears this testimony even though
16 they're all gone to please reach out to us. I've
17 provided my testimony in writing. Please, do
18 something to help me. I just sent another letter to
19 Commissioner Bassett begging for a meeting and my—the
20 answer was she has no interest in meeting with you.
21 I—when my—my main store I got an answer from my
22 Council Member saying the exact same thing. He has
23 no interest in meeting with you. Someone has to be
24 interested in the jobs of my employees and my
25 businesses. It's not fair. I am a female minority

3 and I have a small business that I have grown for
4 seven years, and I am not going to fire all of my
5 employees because no one will let me change my
6 address on my license. It's not acceptable. Thank
7 you for your time.

8 CHAIRPERSON ESPINAL: Thank you for your
9 testimony. Thank you. I want to call up Victorio
10 Antonini, Jeremy Marrin, Ben Schneider, Burak
11 Korokum, Adam Johnson, Kevin Dillon, John Broosten.
12 You may begin. [pause] The sooner the better, guys.
13 [pause]

14 JOHN BALUSHI: My name is John Balushi
15 and I was born in Flushing, New York and I have
16 stayed here my entire life. I have opened 12 full-
17 service restaurants over the last 25 years. I never
18 imagined that local full-service restaurants like
19 mine would find ourselves in such a critical and
20 frightening position. Now Andrew Riggie really said
21 everything I have to say, but I really feel it, and a
22 lot of my—people in my industry do also, a lot of my
23 friends do who are here or are not here. I called
24 them. I said what are you going to do at the end of
25 the year when the minimum wage for tip workers and
other workers go up, and they say I have no blanking

2 idea, and these are very smart, very talented guys.

3 Restaurant payroll is the most important control book

4 cost we have. It's not rent. It's not food and

5 beverage. It's payroll every time. We watch it like

6 hawks. That control was taken away from us a couple

7 of years ago. So, we've had to scramble to think of

8 what to do, and everything we've done has made a

9 dent. So, we certainly need the Administration's

10 support and now more than ever to get this optional

11 disclosed surcharge permitted. The law that Andrew

12 talked about is obviously outdated and just simply

13 needs to be fixed. It seems like an easy fix. We

14 find ourselves in the desperate situation. In only

15 three years the tipped wage has increased 100% and

16 the minimum wage has increased 72%. Other counties

17 get seven years to—to ramp up to that, and it's not

18 even \$15 in many cases. I guess Albany thought New

19 York City would just—New York City restaurants would

20 just raise their prices. That was the assumption.

21 That can't be done. It hasn't been done, and it

22 won't be done. We can only raise it so much. We

23 raise it every year as much as we can simply to cover

24 other costs. This is an incredible and stunting

25 cost. I don't know what company increases wages like

2 this that could survive. I closed two restaurants
3 last year that were marginally profitable because of
4 the increase in the wage would make them incredibly
5 unprofitable. I have friends who closed two last
6 year and then closed two this year. They're
7 desperate for this surcharge. Many of us have added
8 a million dollars or more to our payroll. I
9 certainly have over the last couple of years. For
10 every million in payroll you have to add \$8 to \$10
11 million in sales to cover that. It simply can't be
12 done. We don't have a magic wand to say--otherwise we
13 would have done it already. So, we cannot cover the
14 cost, and so the money is just lost. It's a direct
15 cost. We get absolutely no benefit from it because
16 the servers do what they do, the bussers, the
17 runners, the guys in the kitchen. There's no change.
18 It's a pure spend of case. [bell]

19 CHAIRPERSON ESPINAL: Thank you. I'm
20 going to have to enforce the clock now. It's only
21 just a matter of time. So, we--

22 JOHN BALUSHI: Can I just say one thing,
23 one last thing. So, Red Robin is a national chain of
24 538 stores. In one day they laid off all their
25 bussers. Every single one was laid off because of

2 this--this problem with the ramp up of the wages and
3 getting no assistance. We're the only--New York
4 State allows it. New York City should allow it.

5 CHAIRPERSON ESPINAL: Thank you.

6 VICTORIO ANTONINI: Hi, my name is
7 Victorio Antonini. I run and own Wellington and De
8 Victorio a 129 MacDougal Street. Unlike the
9 gentleman here, I have one restaurant. I was born
10 into it. My parents started it. I took over when I was
11 20 years old and I've been running it for the past
12 too many years. I felt the need to come here and
13 speak because as a small operator, for all the
14 reasons cited by all the other speakers I'm not going
15 to repeat everything, but the fact that I came here
16 to speak and felt the need to come down here to speak
17 is a testament to how important I think it is that we
18 ban or that we lift the ban on adding an
19 administrative charge. When you consider legislation
20 or rules, you need to look at what the consequences
21 are and whether they serve the public good. I
22 believe in the \$15 minimum wage increases. I believe
23 in the living wage. It just doesn't make any sense
24 to not allow a restaurant to add a clearly--clearly
25 marked--and--and--and--and delineated administrative

2 charge that doesn't serve the common good and it just
3 seems to be an example of government overreach. I
4 understand that we need to protect the consumer, but
5 the restaurants who are in business and who—who
6 remain in business are in business because they know
7 how to treat their customers. They would not get
8 away with deceiving customers. This is a place where
9 the government doesn't need to be, and I'll leave it
10 that because we're late and you guys are tired.
11 Thanks.

12 BEN SCHNEIDER: Thank you. My name is
13 Ben Schneider. I'm the owner along with my wife Sohi
14 Kim of the Good Fork Restaurant in Red Hook,
15 Brooklyn, a little restaurant. I'm here today in
16 support of this initiative to allow a restaurant to
17 use surcharges. When my wife and I opened the Good
18 Fork 12 years ago we did so with a great deal of
19 enthusiasm but a small amount of capital and even
20 smaller amount of knowledge about business and
21 restaurants. We were very naïve, but somehow we
22 managed to make a special place that has meaning in
23 the lives of many of our customers, our employees
24 and—and we created a family, and along the way we've
25 also managed to learn a little bit about bit

2 business. Money in, money out, food costs, fixed
3 costs, labor costs, et cetera. Restaurants are
4 notoriously small margin businesses. I have a
5 metaphor for it. It's like the ocean. All this
6 money washes up on shore and it washes back out and
7 there's a little phone left on the beach, and that's
8 what you make. Well, the waves are still big, but
9 the phone is getting hard to a hold of. It's
10 disappearing. When we opened skirt-skirt steak was
11 \$3.75 a pound. Now, it's \$10.00 a pound, but here's
12 the important thing. The tip minimum wage is \$4.00 a
13 pound. \$4.00 a pound? Sorry. The tip minimum was
14 \$4.00 an hour. Now it's \$8.70 and it's going up, you
15 know more and more every year. Okay. it's the second
16 part. That's the important part. I fully support an
17 increase in the minimum wage. I would like it to be
18 more. If I could I would make it \$17 an hour right
19 now, but the problem is not in the minimum wage.
20 It's the tip minimum wage because that's where it
21 gets complicated. The tip minimum wage is intended
22 to ensure that tipped workers in businesses that
23 don't generate high tips will achieve the minimum
24 wage overall. This is important. I believe in that.
25 However, in New York City in most—in a large portion

2 of the restaurants tipped workers are already earning
3 well above the minimum wage in tips. They're earning
4 three or four times the minimum wage, and please know
5 I value my servers very much, and I want them to do
6 financially well. I love them. They're part of our
7 family, but I also want cooks and dishwashers to be
8 paid better. Okay, that's the problem right here.
9 Right now the average wage for a line cook is like
10 \$30,000 a year. You can't live in New York. We
11 can't find cooks. [bell] It's that they're just not
12 getting paid enough money. So, here's the problem:
13 If we raise our prices, okay, in order to compensate
14 for this tip minimum wage, it doesn't even generate
15 quite enough to then throw some to the back of the
16 house, and it also then increases the tips for the
17 front of the house because if the check is higher,
18 the 20% of that check is then higher. So, it's a
19 continual win-win-win for the front of the house and
20 a lose-lose-lose for the back of the house. This
21 surcharge is a smart and nuanced way to deal with
22 that. Borrowing a more nuanced tip minimum wage law,
23 and I have ideas about that if you want to hear them.
24 I mean there could there could be a threshold I say
25 at \$25 an hour. If my servers make \$25 an hour in

2 tips then I'm not responsible for the tip minimum
3 wage and it could be on credit card tips a lone,
4 which are entirely trackable, but I don't know if
5 this kind of a nuanced—I feel like that the
6 government is going in a direction of just wanting
7 us—sort of forcing us in this sort of not graceful
8 way to get rid of tips and it's not a conversation,
9 and it doesn't work. So that's what I have to say.

10 CHAIRPERSON ESPINAL: Thank you.

11 KEVIN DILLON: [off mic] Almost good
12 evening. [on mic] My name is Kevin Dillon and I
13 run--

14 CHAIRPERSON ESPINAL: [off mic] Please
15 say your name.

16 KEVIN DILLON: Kevin Dillon. I came up
17 for Kevin Dugan earlier, but I heard it incorrectly
18 from the back. I'm the Chief Operating Officer at
19 Quality Branded Restaurants. We own and manage nine
20 full-service restaurants here in the city. Can you
21 not hear me?

22 CHAIRPERSON ESPINAL: [off mic] I can
23 hear you.

24 KEVIN DILLON: Okay. I fully support
25 this initiative, which would allow restaurants like

3 ours to add an operational surcharge on dine checks.

4 This is a practice that is allowed throughout the

5 country including the rest of New York State not

6 being allowed to use a surcharge in New York City

7 where we face one of the most competitive landscapes

8 to run a restaurant in the entire country simply

9 makes no sense to me. In the past several years the

10 cost of running a restaurant in New York City has

11 skyrocketed. Rents have increased, minimum wage has

12 gone up, food costs have risen. The result is that

13 restaurants are closing at unprecedented numbers and

14 that they remain-and that they remain open to having

15 to find creative ways to drastically cut costs in

16 attempts to combat the increased costs that we're all

17 faced with as restaurant operators. So, far we've

18 raised many prices. We've designed new service

19 systems that require few employ-fewer employees to

20 execute. Laid off employees resulting in adjusting

21 many offerings to make them feasible with a leaner

22 staff. Changing our whole feel and look of our

23 restaurants to make things more, you know, easier on

24 ourselves to create profits for people, our partners,

25 et cetera and so forth. But we're struggling and

we're simply trying to put New York City restaurants

2 and even the playing field with restaurants in other
3 cities from across the country that are unable to
4 bear or able to put in a finance charge that we would
5 also like to do. If we were to put in an
6 administrative fee, we would fully and clearly
7 disclose this on our menus, put it on our website and
8 put it at the bottom of every check. For more than
9 two years, the restaurant industry in New York City
10 has been urging the Mayor to allow restaurants to
11 [bell] have the option of including clearly the close
12 surcharge on the menus. We ask that the City Council
13 help us because we're desperate and need this very,
14 very much. Thank you.

15 ADAM JOHNSON: [off mic] Hello. My name
16 is Adam--

17 CHAIRPERSON ESPINAL: [interposing] Press
18 the button on the mic.

19 ADAM JOHNSON: [on mic] Hi. My name is
20 Adam Johnson. I'm the COO of Red Hook Lobster Pound.
21 I'm here to speak for Susan Povich who was the owner
22 of Red Hook Lobster Pound. She's got a written
23 statement here, but given the time allowed, I'm going
24 to kind of summarize. [coughs] Kind of the--the--the
25 key takeaways here are we're looking for a palatable

3 way to—to increase some—to increase our—our sales to
4 help pay the back of the house and the front of the
5 house, and as some people talked about adding those
6 to menu prices, as was noted earlier, it definitely
7 affects the way the customers look at the perceived
8 value of the food even if at the end of the day, the
9 price paid is the same, and we are greatly concerned
10 that rising—raising the price of our food any more
11 than it is, which the cost for food has gone up over
12 100%. Raising it any more is going to greatly impact
13 the way that customers view the value of our food,
14 and again, we're looking—we're not looking to—to—we
15 drew customers over and we believe that adding a
16 surcharge is—to the—onto the menu is going to be a
17 very visible way for them to see we want—where this
18 money is—how much this money is going to be at the
19 same time allowing us to not increase the price
20 that's on the menu to the point where people are
21 getting sticker shock. And, hopefully well that kind
22 of—that extra money will allow us to—to pay again the
23 back of the house employees a bit more, where the
24 front of the house employees are making over \$45 an
25 hour in many cases even bussers and runners at our

3 location are making them in the \$22 [bell] plus
4 range.

5 CHAIRPERSON ESPINAL: Thank you. If any
6 of you—if any of you all have testimony you can
7 submit it for the record.

8 ADAM JOHNSON: I'll submit it as well.

9 CHAIRPERSON ESPINAL: Alright, thank you.

10 KEITH TREYBALL Hi. My name is Keith
11 Treyball. I'm the President of Esquared Hospitality.
12 We own multiple restaurants in New York City, and we
13 support allowing restaurant surcharges. Over the
14 past 14 years since the opening of our flagship
15 restaurant BLT Steak, I have witnessed seismic shifts
16 in the industry that have forced us into survival
17 mode. The cost of running a restaurant in New York
18 City has skyrocketed. Over the last three years on
19 our flagship on 57th Street the rent has tripled. In
20 the last three years there have been eight wage hikes
21 with a ninth one on the way. Employee healthcare is
22 dramatically increasing. Food costs are escalating.
23 We've been forced to cut hours for employees, layoff
24 others. We've reduced the size of our menu to limit
25 the kitchen payroll. Our dessert menu and our pastry
department are the latest casualties. They're gone.

2 We've rounded the service support staff eliminating—
3 not eliminating but almost eliminating bussers and
4 runners, and we've hostess shifts to try and maintain
5 service standards. We have raised our menu prices to
6 the limit of what the market will bear, but those
7 increases negate—are negated by the fact that the
8 average guest is ordering less and spending the same
9 amount before the increases, and administrative fees
10 needed to offset are in costs—are increasing costs of
11 doing business. By allowing a prominently disclosed
12 administrative fee we can hope to generate the
13 necessary revenue and stay in business and hopefully
14 grow that business. Thank you.

15 CHAIRPERSON ESPINAL: Thank you,
16 gentlemen. Thanks for your testimony. Appreciate
17 it. Thank you all. Now, we have 17 more folks who
18 want to testify on the plastic straw bill. Just for
19 a matter of time we are going to lower the clock to 1
20 minute. We have Katherine Skopic, Brad Gallagher. Is
21 he still here?

22 BRAD GALLAGHER: I'm Brad Gallagher.

23 CHAIRPERSON ESPINAL: Katherine Skopic,
24 Brad Gallagher, Eric Goldstein, Katrina Thomas, Joyce
25 Friedman. Alright, Jessica Roth. Jessica Roth?

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

141

2 Elizabeth Millet from Eatery USA, Elizabeth. Daniel

3 Joseph, Christine Dimmick, Roy Clabben. I guess we

4 don't have 17. Yeah, we'll give you two minutes.

5 Chad Arnholt. Ayana Johnson, Andrea Devoe, Aria

6 Devoe, Andrea Aria Devoe, Billy Levy, Elizabeth

7 Murray, Debbie Lee Cohen and Sabrina Sophia. Alright

8 that's it and we'll keep it at two minutes. I'll do

9 one more check after this panel, but I think that's

10 it. Is the—did you submit? [background comments,

11 pause] Okay, good. Yeah, have a seat. Did you

12 [pause] Your name? Nalios and you're speaking on

13 which bill? The surcharge? Okay. There's an extra

14 chair. You can take the chair up there. Alright you

15 may begin. Yeah.

16 CHAD ARNHOLT: My name is Chad Arnholt.

17 I am the co-founder of Tin Roof Drink Community. We

18 are a bar designed restaurant and consulting firma

19 and also an educator. We speak largely on carbon

20 footprint and sustainability issues within the bar

21 industry, and then we work with restaurants and bar

22 industry professionals to kind of prescribe to them

23 how to go forward and be more sustainable. For, you

24 know, the luxury of time, I'm going to compress what

25 I have to say and just kind of get right to the

2 point. A bunch of points were brought around straws.
3 This is in reference to 936, but I think a couple key
4 issues might have been missed. In our experience
5 working with bars specifically and also restaurants,
6 any time a bar is forced to buy a higher cost item
7 like a more sustainable biodegradable straw they tend
8 to cut back in their usage, and when they cut back in
9 their usage by let's say not offering them or
10 offering them on demand only, in general guests tend
11 not to notice at all. In one case, for example, the
12 GM (sic) doesn't ask them. When they went to straws
13 on demand only, no one asked and they almost
14 eliminated their straw consumption completely. So not
15 only are you switching to sustainable, you're also
16 prompting the elimination of the use them at all.
17 So, that's one big key issue that was missed. So,
18 it's a-it's end game. (sic) Another one is, I-I
19 would like to clear up the availability of in the
20 market of useful alternatives. Everyone likes to
21 crush on paper because, you know, they dissolve
22 sometimes. In fact that market has improved
23 drastically. There are companies out there that are
24 making things that will last in a gin and tonic for
25 three hours, and if anyone wants to see them, my

2 business partner has the collection of them over
3 there. We've also done a pretty exhaustive study on
4 comparison of price that's available online. Tin
5 Roof Drink Community is my website or our website.
6 Clara put together a package. You can find those
7 [bell] those alternatives right there.

8 CHAIRPERSON ESPINAL: Alright, thank you.
9 I just want to like for the record, this-this has
10 been sitting--

11 CHAD ARNHOLT: [interposing] Yeah.

12 CHAIRPERSON ESPINAL: --in water for
13 three hours and it's still intact.

14 CHAD ARNHOLT: Yep. So, it's-it's an
15 exciting field if-if you-if you don't mind. There is
16 kind in this release reusable plastics that will go
17 200 washes. There are reeds, there is bamboo, there
18 is an avocado based bio-plastic that will-that
19 functions just like a normal straw but it
20 biodegrades. These options are out there for bars
21 and restaurants to use.

22 CHAIRPERSON ESPINAL: Thank you.

23 JESSICA ROTH: Good afternoon. Thank you,
24 Chairperson Espinal and other members of the
25 committee for inviting me to speak today. My name is

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
2 LICENSING

144

3 Jessica Roth. I'm the Director of Advocacy and
4 Engagement at Riverkeeper. I'm here today to support
5 Intro No. 936 and on behalf of Riverkeeper's
6 thousands of members and supports. Through advocacy
7 prevention, community education and stewardship,
8 Riverkeeper is working towards realizing our vision
9 of a trash-free Hudson. Our annual day of service
10 Riverkeeper's Sweet engages thousands of New Yorkers
11 from Brooklyn to the Adirondacks at over 100 sites to
12 clean up our shorelines and waterways. This year,
13 volunteers removed 37 tons of trash from the Hudson
14 River and its tributaries including 6,000 pounds of
15 recycling. Over the past seven years plastic
16 pollution has constituted one of the main sources of
17 the marine debris at the Riverkeeper Sweep. In many
18 cases we can see the full cycle of degradation
19 occurring in a single clean-up site with new intact
20 litter sitting beside smaller and smaller pieces that
21 accumulate on the shore. Our direct experience with
22 plastic pollution through research and cleanups on
23 our shorelines underlines the existing science and
24 informs our advocacy to eliminate the scourge of
25 plastic pollution in the Hudson River Estuary. Data
gathered by Riverkeeper and others points to the

3 prevalence of microplastics, which—which can result
4 from degradation of plastic straws and other plastics
5 in waters worldwide including the Hudson River
6 Estuary. Plastic manufacturing process uses and
7 creates numerous toxic materials and plastics
8 particularly in—and plastics particularly in water
9 accumulate toxins. Pesticides, toxic industrial
10 compounds including PCBs as well as pharmaceuticals
11 and other unregulated contaminants adhere to the
12 plastics and can both contaminate fish and
13 contaminate drinking water supplies. Lamont Doherty
14 Earth Observation—Earth Observatory Study found
15 microplastics in the tracks of each of the five types
16 of marine organisms it studied. Another study found
17 that nearly all U.S. drinking water supplies sampled
18 94% had evidence of microplastic pollution. It's
19 estimated Americans use roughly 500 million straws
20 everyday or 1.6 straws per person, which enough to
21 circle the earth 2-1/2 times per day. The recent Ban
22 List 2.0 Report prepared by temp organizations
23 analyzed statistics from multiple data sites [bell]
24 in order to pinpoint the top 20 pollutants and found
25 that plastic straws and stirrers rank fifth
accounting for 7.5% of plastic pollution.

2 Alternatives are readily available. I'm not going to
3 go through that. A lot of people have talked about
4 those. I'm encouraged to hear that you're talking
5 about much more robust conversations with the
6 advocacy groups for folks with disabilities. We are
7 moving—we are generally, as I mentioned, working on
8 Trash Free Hudson Campaign, and that involves all
9 single use things, and so we want to make sure that
10 we're getting things right as we're taking these
11 steps as we move towards doing this statewide as
12 well. So, we're urging New York City to follow in
13 the footsteps of all these other municipalities and
14 to really take the right steps, and I will say ad lib
15 as a—just as a—as a New Yorker, fourth generation New
16 Yorker, like I carry all of my own stuff with me
17 everyday. I have silverware. I have straws. I don't
18 even use straws and I carry straws with me. It's not
19 that hard of a thing, but one of the things that—that
20 we really do need to do is we need to move into a
21 really robust education campaign as we're moving in
22 this transition about what we need, how we need it
23 and when we need it with the understanding that there
24 are people that do need these as a—as a tool but that

2 most of us do not, and it's just a question of
3 status, and we need to move past that. Thank you.

4 JOYCE FRIEDMAN: Good afternoon, Chairman
5 Espinal. Thank you for this opportunity to testify
6 in support of Intro 936. My name is Joyce Friedman.
7 I'm on the Board of Directors of Voters for Animal
8 Rights, a 501(c)(4) dedicated to helping elect
9 candidates who support animal protection and lobbying
10 for laws to stop animal suffering and cruelty.
11 Voters for animal rights strongly supports Intro 936.
12 It's time for New York City to get on board with its
13 comments and this measure, which prohibits two
14 unnecessary items, which are used just for a few
15 moments in time, but which cause so much long-term
16 suffering and death to millions of sea animals, and
17 it is not just their deaths but also their animal
18 suffering—animal suffering and pain prior to dying
19 all from the completely unnecessary item we've simply
20 gotten used to using largely because it is so
21 commonly handed to us. The most painful example of
22 the suffering plastic straws cause to animals is the
23 sea turtle everyone has seen screaming in agony with
24 the straw is slowly pulled out of his nose with
25 plier-like tools. An additional recent tragic

2 example I've seen is a recent photo of a large sea
3 bird literally putting plastic items with her beak
4 into the open mouth of her hungry baby bird. Except
5 for those who medically need to use them, straws are
6 completely unnecessary and yet their ubiquity in our
7 society makes us think they're necessary simply
8 because restaurants are giving a straw to every
9 customer. I'd like to state unequivocally—
10 unequivocally the absurdity of restaurants doing
11 this. We purchase an ice coffee. We're given a cup
12 with a plastic lid, and a plastic straw. People take
13 the straw simply because it's handed to them, and
14 drink for a few minutes and then we take the straw,
15 lid and cup and toss them in the trash, and by some
16 people on the ground often a lid with the straw in it
17 are immediately pulled off and tossed. How often
18 have we seen this duo on the sidewalk? This process
19 happens millions of times per day by millions of
20 people. In fact, 500 million straws are used for a
21 few moments and thrown away every single day. Most
22 of us will be fine drinking from glasses or cups.
23 When handed one in an eatery, though, people use
24 them. This is why this legislation is so needed, and
25 why voters for animal rights supports and urges the

2 swift passage of this necessary bill to help stop
3 damaging our wildlife and our oceans. Thank you so
4 much for introducing this.

5 ERIC GOLDSTEIN: Good afternoon, Chairman
6 Espinal. Eric Goldstein from the Natural Resources
7 Defense Council. We're an international
8 environmental group that have been active on New York
9 City issues since 1970. We appreciate your
10 leadership on this issue, and we strongly support the
11 goals and objectives of Intro 936. Three quick
12 points, which will summarize our written testimony.
13 First, regarding the issues raised by the Disability
14 community, we share their concerns. We know you
15 share their concerns regardless of the final language
16 of Intro 936. We know that it must be designed in a
17 way to ensure that it does not place new hurdles in
18 the way of some of our most vulnerable residents. We
19 know that's your intent. We hope you sit down with
20 them and go over the final language. Second, we
21 believe the starting point for the operative section
22 of this bill should be language that requires all
23 food service establishments to dispense straws and
24 beverage stirrers only on demand. A great deal of
25 consumption of straws and stirrers in New York City

3 is simply unwanted and unnecessary, neither requested
4 by customers nor utilized by them even when provided
5 requiring that straws and stirrers be only served on
6 demand could reduce litter and pollution, be
7 implemented in a very short time period, save money
8 for retail establishments and all this without any
9 adverse impacts. Finally, we suggest that the bill
10 language be modified to clarify that all straws and
11 stirrers offered by food service establishments be
12 made of commercially compostable materials as that
13 term is defined by the Biodegradable Products
14 Institute. Ensuring that all these straws and
15 stirrers are used—that are used are compostable, is
16 needed to help address another key challenge facing
17 the city's waste disposal system, which is to remove
18 contaminants from the city's organic waste streams so
19 that that could be used productively. The bill's
20 existing language references biodegradability.
21 That's a tricky term, and is defined differently
22 depending on—upon on who is asked. We recommend that
23 the final bill language requires straws and stirrers
24 to be compostable as that term is defined by the
25 highest standards set by National Grading
Institutions. We stand ready to work with you on the

2 final language, and again appreciate your leadership
3 and support. [pause]

4 BILL LEVY: [coughs] Excuse me. Hi. My
5 name is Bill Levy. I've been a New York City resident
6 for 17 years and I'm the Founder and CEO of a company
7 called Naeco it's N-A-E-C-O. It's actually the word
8 ocean reversed, and our goal is to provide products
9 that are viable replacements to single use plastics.
10 We're based here in New York. We've chosen to stay
11 here in New York and to [coughs] offer viable
12 alternatives. We've heard a lot today. Thank you for
13 your leadership in this issue, and certainly I'm not
14 going to repeat some of the statistics, but I think—I
15 just wanted to offer a voice as a—as—as a taxpayer
16 and as a citizen here, you know, we are subsidizing
17 the use of—of plastics. We spent an incredible
18 amount of money to dispose of those, to try to find a
19 place to put them. We've learned that there are very
20 few places left, and obviously we've talked about
21 that today. So, when we look at the cost parity it's
22 actually that we're subsidizing the use of
23 Polystyrene and Polypropylene, and this is really not
24 about banning a product or practice. I want the
25 committee to think about this as just banning a toxic

2 material use that we have viable alternatives we've
3 been talking about, some that should either be
4 certified compostable by the BPI, or that maybe in
5 the case in case of paper or bamboo are, in fact,
6 viable and—and hopefully we'll address the needs of
7 the disability community, too, which we're very
8 sensitive to [coughs] and obviously as a business
9 owner, we just want to make sure that—to clarify
10 that, you know, for—for anyone interested in a better
11 New York in a better future, I think the—the question
12 we have to ask is if we choose not to do this, what
13 message does that really send. And so, for a better
14 future, for a better New York, thank you for your
15 consideration. [bell] [pause]

16 JAMES MARIUS: Thank you. My name is
17 James Marius. I'm the—I'm the Managing Partner and
18 in-house counsel for a restaurant group that's been
19 in New York for 30 years. I've also spoken out in
20 Crain's and New York Times in support of having a
21 standard wage and a tip that is able to be shared
22 across from the back of the house. People touched on
23 most of the arguments, but I want to give you some
24 examples that hopefully will stay with you and tell
25 you why this is good for business, workers and

2 consumers. So, we've been in business for 30 years,
3 and the last restaurant we went to open was in the
4 Hamptons because it was too difficult in New York
5 City. So, I did that like sort of sit with you with
6 regard to the Hamptons because we thought that was a
7 better economic opportunity than New York city.
8 We've been there for 30 years. By way of labor, I
9 think it's good for labor. People talk about the
10 economic disparity. We have and eight years ago I
11 posted for cooks. I got like 75 people applied. Now
12 I get like five maybe ten and five of them probably
13 haven't worked in a kitchen that because it used to
14 be when my grandfather came here that if you were
15 unskilled the kitchen was a legitimate way to find a
16 living. Now I can be an Uber driver. You can
17 participate in what's called the sharing economy.
18 I'm not sure who shares in in, but that's where a lot
19 of those people go. So, we have an epic labor
20 shortage and the way to do that is be able to pay a
21 real viable increased wage in the back of the house.
22 And unless the state allows tips to be shared across
23 the back of the house, which is not necessary
24 guaranteed, we won't be able to have cooks. They
25 just won't exist. So, it's good for—it's good for

2 recent disparity for workers. It's good for the
3 economics of the business, and as far as the business
4 goes, it would allow us to actually compensate people
5 based on seniority and merit. This is how Reynold's
6 compensates people, but we're told that basically 20%
7 of our annual sales is what people tip on their own
8 pretty much tip 20% . We're told can only go to a
9 small subset of the people that affect their meal
10 experience. [bell] I'll make—the last bit I'll put
11 it this way, when you go out how many times did you
12 say the food was great or it came quickly or the
13 bathroom was clean? Well, the people who do that
14 can't share in those wages or those gratuities.
15 Changing this law would allows us to change that.

16 PAULA VIANNI: Thank you so much for
17 adding another person to your panel. I represent
18 seven restaurants within Manhattan in New York City.
19 So, my colleagues couldn't say it better.

20 CHAIRPERSON ESPINAL: Can you state your
21 name?

22 PAULA VIANNI: Yes. Paula Vianni and what
23 I wanted to make even some more clear, this industry
24 is dying if we don't do something. You know, I
25 worked in this same restaurant for 25 years. It

2 changed tremendously, but the rules are changing
3 consequently to the—to the big changes. Nobody even
4 talks about, you know, would we—as has been said
5 about the back of the house and front of the houses,
6 it's the—if there is one thing that you take out and—
7 and brings with you—bring with you today that should
8 be it. The back of the house is—is not compensated in
9 the right way compared to the front of the house
10 because we cannot do with the rules that are in place
11 right now, and this is so unfair because it's not
12 only service, somebody has to cook this means that you
13 enjoy when you go to a restaurant. But also as all—
14 as the owners we spend so much money for the paper
15 work that we need to do in order to run a restaurant.
16 The insurance that we have to just because
17 unscrupulous lawyers every day of the year, they do
18 this frivolous lawsuits on us just to try to—a store
19 like an easy \$5 or \$10,000. We have to go to a
20 lawyer and pay big money just to even start the
21 defense against us. So, it's—it's a—in this city it
22 has been taken for granted, that you could squeeze
23 infinitely and it keep—it keep on producing. It's
24 not happening right now, and a lot of restaurants are

2 closing. [bell] Please help us to save the industry
3 with this surcharge.

4 CHAIRPERSON ESPINAL: Thank you so much
5 to all of you for your testimony. Is there anyone
6 else that was left out? Going once, going twice,
7 gone. Alright, well thank you all for your
8 testimony. Just on the record I do support all three
9 bills, but we do have to go through the process of
10 getting the votes needed and revisions to be made on
11 these bills before we move forward with them. So,
12 with that said, this hearing is adjourned. [gavel]

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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 June 24, 2018