

**Testimony of Assistant Commissioner Carlos A. Ortiz  
New York City Department of Consumer and Worker Protection**

**Before the Committee on Consumer and Worker Protection  
Hearing on Consumer Financial Experiences in the Retail Industry and  
Introductions 374, 1049 and 1097**

**February 11, 2025**

***Introduction***

Good morning, Chair Menin, and members of the Committee on Consumer and Worker Protection. My name is Carlos Ortiz, I am the Assistant Commissioner for External Affairs at the Department of Consumer and Worker Protection (DCWP). Today, I am joined by our Associate General Counsel, Andrew Schwenk. Thank you for the opportunity to testify before the committee today on these bills and our consumer protection work.

***Protecting New Yorkers***

DCWP provides fundamental consumer and worker protections, and financial empowerment programming to New Yorkers. We strive to ensure that consumers who have been deceived or exploited have recourse, that workers have a passionate defender of their rights, and that all New Yorkers have the support they need to improve their financial health. We are immensely proud of the work our agency accomplishes, day in and day out, for our city. In the last three years, under Commissioner Mayuga's leadership, we have helped deliver more than \$1 billion back to New Yorkers.

***Consumer Protection***

Since our landmark Consumer Protection Law was enacted in 1969, we have been the nation's leading municipal consumer protection agency. For nearly sixty years now we have consistently leveraged our authority to protect New Yorkers from deceptive business practices, securing financial restitution for consumers whose rights have been violated by bad actors in the marketplace. In the last few years, our agency has conducted more than 140,000 inspections of businesses across the city and have issued nearly 50,000 summonses for violations of the law. These efforts have played a role in the recovery of about \$25 million in financial restitution and debt relief for consumers.

We are dedicated to providing protections to New Yorkers, while working to facilitate compliance amongst businesses with the laws that we enforce. Businesses across the five boroughs have access to our educational materials, as well as direct outreach from our team. In the last several years we have hosted nearly 400 business engagement and outreach events, reaching more than 30,000 business owners. Our Visiting Inspector Program, or VIP, provides new licensees the opportunity to receive an educational visit from one of our inspectors. In the last three years we have been able to provide nearly 7,000 VIP inspections to new businesses across the city. Last year we opened up our Visiting Inspector Program to all brick-and-mortar

retail businesses that are required to be in compliance with our laws, regardless of whether we license their business category. We look forward to working with council to continue our mission of protecting consumers across the city while uplifting and educating our City's small businesses.

---

### ***Introduction 374***

Turning to today's legislation, Introduction 374 would prohibit businesses in New York City from setting a minimum dollar value greater than \$10 for the acceptance of credit cards in selling, leasing, renting or loaning consumer goods or services to the public. All businesses that accept credit cards would also be required to post a notice of such prohibition on or near any fixed point of sale terminal and DCWP would be authorized to enforce civil penalties for violations.

DCWP currently requires businesses to post signage disclosing any limitations on a consumer's use of a credit card. We support prohibiting a minimum dollar value that is greater than \$10. However, we have concerns that requiring businesses to post an additional sign describing that the minimum value for using a card cannot be greater than \$10, as well as the current penalties outlined in the bill, could be overly burdensome. Additionally, it is important for our operations that complainants continue to use the 311 system and DCWP's online portal, including with assistance from our staff, in submitting complaints to the agency, rather than a new webmail complaint form. We look forward to working with Council on this legislation.

### ***Introduction 1049***

Introduction 1049 would require businesses to disclose a preauthorization hold in connection with the sale or offer for sale of any petroleum product for use in motor vehicles or motorboats. We support the intent of this legislation, and its efforts to ensure New Yorkers have access and can utilize their money. We are interested to hear more from Council and all impacted stakeholders today.

### ***Introduction 1097***

Introduction 1097 would require retail stores that currently accept credit or debit cards to accept flexible benefits cards distributed by health insurance providers. DCWP would also be required to conduct outreach and education on this requirement. This bill tackles a new issue for the agency, and we are looking forward to hearing from affected consumers, businesses, and Council on the potential impacts of this legislation. Not only to ensure that consumers can shop at their local stores, but also to make sure we do not impose any undue new costs on businesses.

### ***Conclusion***

Thank you for the opportunity to testify before your committee on our essential work uplifting New Yorkers, and today's legislation. We look forward to working with you all to further our efforts to protect New Yorkers in the marketplace. I welcome any questions you may have for further discussion.

Advocates of the  
Food Industry  
Since 1900



**FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.**

---

111 Washington Avenue - Suite 200, Albany, NY 12210 (518) 434-1900

**Testimony from the Food Industry Alliance of New York  
NYC Council Committee on Consumer and Worker Protection Hearing**

**February 11, 2025**

The Food Industry Alliance of New York (FIA), the premiere trade association representing the full spectrum of the retail food industry, appreciates the opportunity to submit this testimony today to Chair Menin and members of the Committee on Consumer and Worker Protection regarding industry concerns related to Int. 1097-2024.

**Int. 1097-2024 – Requiring certain retail stores to accept Flexible Benefit cards**

On behalf of the Food Industry Alliance of New York State, we recognize that expanding payment options for consumers is an important goal. However, we strongly oppose Int. 1097-2024, which would require retail food stores and pharmacies to accept flexible benefits cards distributed by health insurance providers. While well-intentioned, this bill imposes significant technological and financial burdens on retailers by failing to account for the complexities of point-of-sale (POS) systems and the lack of uniformity among these benefit cards.

Unlike standardized credit and debit cards, flexible benefits cards vary widely in their processing technology, eligibility rules, and integration requirements. Therefore, retailers would be forced to update or completely replace their existing POS systems to accommodate multiple insurers' platforms, each with different processing protocols. Many businesses, particularly independent grocers and smaller retail chains, do not have the resources to purchase new hardware, upgrade software, and navigate extensive system reconfigurations simply to comply with this mandate.

Further complicating implementation is the fact that these cards operate under different eligibility restrictions for covered products. This requires a level of POS programming that is far more intricate than standard transactions, as retailers must ensure that systems correctly identify which products qualify under different insurers' plan. Unlike government benefit programs like SNAP, which have a standardized structure, flexible benefits cards lack uniformity, making it nearly impossible for retailers to integrate them seamlessly without adopting multiple processing solutions—an unsustainable and costly burden.

While the bill places responsibility on the Department of Consumer and Worker Protection to conduct outreach and education, it does not address the real financial and operational costs that retailers will bear. Businesses should not be mandated to overhaul their payment systems without a universal, standardized processing solution in place. Until insurers and payment processors

establish a single, compatible framework for flexible benefits cards, retailers, particularly smaller operations, cannot be expected to absorb the financial and logistical strain of implementing multiple, often conflicting systems.

For these reasons, the Food Industry Alliance of New York State strongly opposes Int. 1097-2024 and urges lawmakers to reject this impractical mandate on New York's retail food industry.

Respectfully submitted,

A handwritten signature in cursive script that reads "mauracallahan".

Maura Callahan  
Government Affairs Coordinator  
Food Industry Alliance of NYS, Inc.

**From:** [New York City Council](#)  
**To:** [Testimony](#)  
**Subject:** [EXTERNAL] Tue, Feb 11 2025 @ 1:00 PM - Committee on Consumer and Worker Protection  
**Date:** Friday, February 7, 2025 11:24:19 AM  
**Attachments:** [Bill-1097-Statement.docx](#)

---

[REDACTED]

Attendee will be: Testifying in-person

[REDACTED]

Attendee name (Zoom name): Steven Rivera  
Attendee email (Zoom account): steven@prohealthconnect.com  
Attendee phone number: [REDACTED]  
Hearing: Tue, Feb 11 2025 @ 1:00 PM - Committee on Consumer and Worker Protection  
Subject of testimony: Providing New York underserved community, the access to retailers under the healthcare network for over the counter and grocery benefits  
Organization: Self  
Organization if "Other":  
Accommodations: None  
Language Translation:  
Language Translation, if "Other":  
Country of origin, if "Creole":

If a testimony was uploaded, it will be in the attachments.

Bill 1097  
"Use it or Lose it"

Access to nutritious and culturally relevant food shouldn't be a privilege, it's a necessity. There should be "NO WRONG DOOR TO ACCESS" as too many individuals, especially those in underserved communities, struggle to find independent retailers that accept their OTC and grocery benefits, forcing them to travel long distances or settle for less healthy options. We want our seniors, our less fortunate, to be able to USE their monthly benefit and NOT LOSE IT due to **NO ACCESS!** There are two winners in this scenario, the beneficiary who will enjoy access to products that will enhance their health and the retailer who will increase their revenue.

This legislation is a vital step in ensuring that all communities, regardless of location or economic status, can access the foods they need to live healthier lives.

CEO and Founder  
Steven L. Rivera

**10 February 2025**

**Fannie Lou Hamer Freedom High School**

**██████████ Bronx, NY 10460**

My name is Fabian Bermudez. I am 14 years old. I go to fannie lou freedom high school, I live in Bronx NYC and i have asthma. We deserve more Green Spaces and more clean air around schools, hospitals and neighborhoods in the Bronx for us now and for future generations to live on with a safer environment. We are at risk of asthma attacks and Heart attacks. Indirect source Rule is why we are at risk because (IRS) makes e-commerce warehouses responsible for carrying a big pollution problem. There are fleets of trucks that come out of these warehouses, these trucks carry products back and forth from these warehouses. going back and forth all the time pumps pollution into neighborhoods in the bronx. The pollution damages People's health making these trips back and forth. I don't want this because I want a better environment and better air quality, and to stop the thousands of trucks passing by these neighborhoods all the time. We are asking e-commerce warehouses to pollute the air with toxins and fix the damage that these warehouses caused. I want this because it will help hugely for my health and other peoples health in the Bronx community.

**10 February 2025**

**Fannie Lou Hamer Freedom High School**

**██████████ Bronx, NY 10460**

My name is Norahshay Pollock. I am a student from Fannie Lou Hamer Freedom High School, in the South Bronx. My school has helped me work with the Bronx River Alliance teaching me about renewable sources. Big e-commerce warehouses bring in hundreds of thousands of diesel trucks every day, harmful to people like me who suffer from respiratory problems. These problems only take place in low income and people of color communities. Making this environmental racism. The NYC ISR (Indirect Source Rule) gives warehouse owners a way to reduce pollution such as electric trucks and using solar power. Keep in mind that the same ISR policy has helped California. Pass the NYC ISR bill to cut pollution from warehouses and protect the public's health. Make sure it has strong enforcement because without this bill my future looks bleak. Again, I ask to regulate warehouses not to get rid of them. I urge lawmakers to pass the NYC Indirect Source Rule with strong enforcement to expand it to cover more warehouses, and zero emission transportation. I deserve to walk through clear and clean air. I deserve to be a healthy human.



**From:** [New York City Council](#)  
**To:** [Testimony](#)  
**Subject:** [EXTERNAL] Tue, Feb 11 2025 @ 1:00 PM - Committee on Consumer and Worker Protection  
**Date:** Monday, February 10, 2025 10:50:23 AM  
**Attachments:** [Testimony\\_Radhames.pdf](#)

---

[REDACTED]

Attendee will be: Testifying in-person

[REDACTED]

Attendee name (Zoom name): Radhames Rodriguez

Attendee email (Zoom account): [REDACTED]

Attendee phone number: [REDACTED]

Hearing: Tue, Feb 11 2025 @ 1:00 PM - Committee on Consumer and Worker Protection

Subject of testimony: "Growing Profits by Giving Back: How Community Support Drives Business Success"

Organization: Self

Organization if "Other":

Accommodations: None

Language Translation:

Language Translation, if "Other":

Country of origin, if "Creole":

If a testimony was uploaded, it will be in the attachments.

"Supporting the community isn't just the right thing to do—it's also a smart business decision. As a local business owner, I've seen how participating in programs that provide underserved populations and seniors with access to over-the-counter and healthy grocery benefits has helped our store grow. By offering these essential items, we've expanded our customer base, built stronger relationships with the community, and increased customer loyalty. People appreciate businesses that care, and in turn, they choose to shop with us regularly. Investing in our community has not only made a difference in people's lives but has also strengthened our business in ways we never expected."

**From:** [New York City Council](#)  
**To:** [Testimony](#)  
**Subject:** [EXTERNAL] Tue, Feb 11 2025 @ 1:00 PM - Committee on Consumer and Worker Protection  
**Date:** Monday, February 10, 2025 10:46:14 AM  
**Attachments:** [Testimony Rosa.pdf](#)

---

[REDACTED]

Attendee will be: Testifying in-person

[REDACTED]

Attendee name (Zoom name): Rosa Ayala  
Attendee email (Zoom account): unitedbodega.uba@gmail.com  
Attendee phone number: [REDACTED]  
Hearing: Tue, Feb 11 2025 @ 1:00 PM - Committee on Consumer and Worker Protection  
Subject of testimony: "A Local Business Making a Difference in Community Health"  
Organization: Self  
Organization if "Other":  
Accommodations: None  
Language Translation:  
Language Translation, if "Other":  
Country of origin, if "Creole":

If a testimony was uploaded, it will be in the attachments.

"As someone who has been part of this community for years, I've witnessed firsthand the incredible impact local small businesses have in ensuring our elderly and underserved neighbors have access to essential groceries and over-the-counter items... These businesses don't just provide food; they provide care, dignity, and a sense of belonging. Whether it's a corner store owner who knows your name or a neighborhood market offering fresh, healthy options, their dedication to serving the community goes beyond commerce—it's about people helping people. Thanks to their efforts, many who might otherwise struggle to access nutritious food can do so close to home. This is what true community support looks like."

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carlos Ortiz

Address: Assistant Commissioner for External

I represent: Matters

Address: NYC DCWP

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Andrew Schwann

Address: Associate General Counsel

I represent: NYC DCWP

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1097 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Andrew Winkler

Address: [Redacted] NY 11747

I represent: Prothealth Connect LLC

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

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1097 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Stevan Rivera

Address: \_\_\_\_\_ Wheatley Heights, NY 11388

I represent: ProHealth Connect

Address: 90 Lincoln Ave. Bx, NY 10454

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 07/11/2013

(PLEASE PRINT)

Name: Paul Thomas, Director of Health 65th

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

I represent: NYC

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

▶ Please complete this card and return to the Sergeant-at-Arms ◀