

**Testimony of the New York City Department of Consumer Affairs  
Before the  
New York City Council Committee on Consumer Affairs**

**Hearing on  
Introduction 1006: In Relation to Repealing Licensure of Operators of Motion-Picture  
Projecting Machines**

February 22, 2016

**Introduction**

Good morning, Chairman Espinal and members of the Committee on Consumer Affairs. I am Amit S. Bagga, Deputy Commissioner of External Affairs at the Department of Consumer Affairs (“DCA”), and I am joined by my colleagues, Alba Pico, Acting Commissioner of DCA, Nancy Schindler, Associate Commissioner, Legal Affairs, and Elina Kotlyar, Assistant Commissioner, Licensing. We are pleased to represent our agency and Mayor de Blasio before you today.

Thank you for inviting us to testify on Introduction 1006 (“Intro 1006”), a bill that would repeal DCA’s Motion Picture Projectionist (“projectionist”) license category. DCA supports the repeal of this license category, which was originally created to ensure that those individuals operating manual movie projection equipment, which often featured complex electrical wiring, hot light sources, and flammable film, were appropriately trained to do so and that both the projectionists and the public were protected from harm.

Following a seismic evolution in movie projection equipment technology since the City began regulating this industry more than a century ago, it is DCA’s understanding that movies are now projected almost exclusively through the use of digital technology, calling into question the continued need for maintaining the projectionist license category. I will now provide a brief overview of the evolution of the technology used to project movies; one that will help clarify and affirm the Council’s position that there no longer exists a need to license movie projectionists and that the elimination of licensure is not likely to have a significant impact on employment in New York City, which is always a consideration of Mayor de Blasio’s administration.

**History of Movie Projectionist Licensing**

The City of New York has regulated motion picture projectionists since at least 1908, when projectionists began being licensed by the now-defunct Department of Water Supply, Gas, and Electricity. The Department of Consumer Affairs took over the licensing of this category pursuant to Local Law 65 of 1985. Since 1908, what was once a highly dangerous, cumbersome process has been replaced by a digitized, automated one, with most movies being able to be shown with a few clicks of a computer mouse or by pressing a few buttons.

It was, however, not always this easy to project movies. From approximately 1910 until the early 1960s, the use of nitrate film and carbon arc lamps was common in projection equipment, which itself involved the use of dozens of reels and required deft handling. Nitrate film, which was considered to produce relatively high-quality images, was flammable, and because of its unique chemical composition, was difficult to extinguish once it was ignited.<sup>1</sup> This film had very specific storage and use requirements, and it was “lit” by carbon arc lamps, which generated significant heat, thereby increasing the danger of this film catching on fire.<sup>2</sup> In addition to the materials being used in projection being dangerous, the process itself was quite cumbersome. Prior to the 1960s, projectionists utilized a “changeover” system, which involved the first of two reels being fed through a projector while the second reel would be set up in a second projector, awaiting the arrival of an on-screen cue that would indicate to the projectionist that the second projector needed activation. As each film contained several reels, the projectionist would have to continually repeat this process, two reels at a time, until the film was complete. The danger and complexity involved in managing the projection process created a necessity for projectionists to become skilled through training.

To assess their aptitude with the equipment, projectionists have almost always been subject to stringent testing, and in the early days of licensure, trade associations such as the New York Fire Underwriters and the American Institute of Electrical Engineers produced handbooks that enabled projectionists to familiarize themselves with the complex management of projection equipment.

Over time, this equipment continued to evolve, and in the 1960s, carbon arc lamps began to be replaced by Xenon bulbs, which were safer and lasted much longer than carbon arc lamps. The reel-to-reel system was eventually replaced by the “platter” system, which allowed individual reels to be spliced together to create a single reel, eliminating the need for the cumbersome reel-changing process. Such changes ultimately gave way to digital projection, which, according to the National Theater Owners Association, became nearly-universal in New York City after 2006.

In conversations with DCA, NATO, which maintains that it represents approximately 80 percent of the movie theaters in New York City, has shared that only 3% of their screens utilize reel-to-reel or similar projectors and that the remaining 97% of their screens utilize digital projection equipment.

The evolution of projection technology is further borne out by the numbers: today, DCA licenses 214 movie projectionists, down from reported highs of more than 3,000 in the 1950s.<sup>3</sup>

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<sup>1</sup> National Park Service: Disposal of Cellulose Nitrate Film:  
<http://www.nps.gov/museum/publications/conservoogram/02-22.pdf>

<sup>2</sup> The American Society of Mechanical Engineers: <https://www.asme.org/engineering-topics/articles/history-of-mechanical-engineering/inside-a-projectionists-booth>

<sup>3</sup> The End: Why Projectionists Will Soon be No More, SLATE Magazine, December 2010:  
[http://www.slate.com/articles/arts/movies/2010/12/the\\_end.html](http://www.slate.com/articles/arts/movies/2010/12/the_end.html)

## **Repeal**

While the use of complex projectionist equipment has significantly declined over time, it should be noted that according to NATO, which, in representing more than 300 theaters represents approximately 75 percent of theaters in New York City, there are still some theaters in New York City that use such equipment. While the exact number of these theaters is unknown, DCA and NATO agree that the number is likely to be quite low.

As there are 214 currently-licensed projectionists, DCA respectfully suggests that the labor marketplace for trained projectionists is sufficiently robust to meet the demand that might exist for these projectionists. Naturally, DCA is always open to hearing any and all concerns regarding the nature of this labor marketplace and is committed to full engagement with all relevant stakeholders on this matter.

The repeal of this license category will have a small fiscal impact on our agency, but this will be offset by the elimination of the need to process this license and administer its attendant exam.

In our licensing of approximately 80,000 businesses and individuals across our current 55 categories, DCA is deeply committed to its mission of empowering consumers and businesses alike to ensure a fair and vibrant marketplace for all, and we believe that the repeal of the projectionist category does not undermine this commitment.

Thank you for the opportunity to testify today; my colleagues and I will be happy to answer any questions you might have.

**February 22, 2016**  
**Andrew Sunshine Testimony**  
**Associate Director, NATO, Theatre Owners of New York State, Inc.**

- **Good morning, Chairman Espinal, members of the Committee.**
- **Thank you for the opportunity to testify today on Introduction 1006, the bill that eliminates the motion picture projectionist licensing examination.**
- **My name is Andrew Sunshine, and I am the Associate Director of NATO, Theatre Owners of New York State, a not-for-profit trade association representing movie theatres.**
- **We fully support this legislation.**
- **Our membership includes Regal Cinemas, AMC Theatres, Bow Tie Cinemas, Cinemark, National Amusements, and independents throughout the City and State of New York.**
- **NATO is the largest motion picture theatre trade association in the world, representing roughly 32,000 movie screens in all 50 states, and additional cinemas in 81 countries worldwide.**
- **In New York City we represent over 75% of the theatres in the five boroughs, which includes 37 movie theatres, 312 screens, and 1,800 employees.**
- **Our key area of concern in New York City is the antiquated Motion Picture Projectionist licensing examination.**
- **The Department of Consumer Affairs administers this examination under Section 24-423 of the New York City Administrative Code, Title 6, Chapter 2, Subchapter 1: Motion Picture Projectionists, Section 2-81.**
- **This regulation mandates that each individual operating a motion picture projector must first pass an examination regarding the use of 35-millimeter film projectors.**

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- **The examination costs \$200 to take. A license costs \$60 to obtain, and \$30 to renew annually.**
- **But, this issue has nothing to do with cost.**
- **Simply put, the motion picture projectionist licensing examination is no longer needed, as technological advances rendered the fire safety concerns behind the examination obsolete.**
- **In the early 20<sup>th</sup> century, however, film projectionists took extra safety precautions with the use of flammable nitrate film, which had length restrictions that required film reels to be changed over by hand during the course of a movie.**
- **Additionally, the use of open flame carbon arcs as a lighting source presented fire safety concerns.**
- **But, by the 1950s, though, the use of carbon arcs gave way to Xenon lamps, thereby eliminating the old use of open flames.**
- **In the 1970s, acetate replaced the flammable nitrate film, which itself became replaced by polyester, followed by celluloid, and now digital.**
- **In 2006, digital cinema projection began its rapid growth, presenting a widespread technological change in theatres unseen since the adoption of sound some eighty years earlier.**
- **Now, in the 21<sup>st</sup> Century, with the use of a hard drive, satellite or a USB port, a theatre manager can program multiple movies on dozens of screens with a single click on a computer.**
- **Film, for all practical purposes, no longer really exists in NYC.**
- **Instead of the 20<sup>th</sup> Century's antiquated licensing examination that seeks to regulate a concern rendered obsolete by technology, we are seeking elimination of the current regulation.**

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- **Today, well over 92% of the projectors in New York City are digital, and we think the percentage may exceed 97%.**
- **In fact, many theatre employees today have never even seen a 35-millimeter film projector, nor would they even know how to operate one.**
- **More importantly, they are unable to pass this difficult exam because the exam mainly focuses on issues pertaining to electricity and fire safety in regards to this outdated equipment.**
- **As the regulations state: “Such examination shall test the applicant’s knowledge and ability to operate moving picture apparatus.”**
- **There clearly was a time when this examination was appropriate.**
- **But, that time has passed.**
- **Just as the personal computer, laptop, tablet, and smartphone eliminated the need for using a typewriter, the digitization of movie theatres eliminates the need for an examination focused on old equipment.**
- **Many states already recognized this modernization in theatre technology, such as Connecticut, New Jersey, Pennsylvania, and others, and eliminated the projectionist licensing examination.**
- **In its place, these states now issue a license for the actual theatre itself, and do not require the individual projectionist to take an exam focused on antiquated technology.**
- **In New York City, such a change would modernize DCA’s regulations to be more reflective of current technology and practices, while also maintaining necessary oversight.**

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- **Currently, only 215 motion picture projectionist licenses are active in New York City, with approximately 78% of all licenses lapsing since the rise of digital technology.**
- **Managers and assistant managers hold most of these 215 active licenses, but all of them are set to expire by December 31<sup>st</sup> of this year.**
- **If the requirement to take and pass this examination continues, our member theatres fear that we will no longer be able to comply, as the next generation of theatre employees will struggle to pass an examination that is no longer needed.**
- **Therefore, we are respectfully asking the Consumer Affairs Committee to pass INT-1006, which will fully eliminate this outdated licensing examination.**
- **We are happy to answer any questions that you may have.**
- **Thank you.**

# Union Local 306

MOTION PICTURE PROJECTIONISTS,  
VIDEO TECHNICIANS, THEATRICAL EMPLOYEES &  
ALLIED CRAFTS



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INTERNATIONAL ALLIANCE OF THE THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS  
OF THE UNITED STATES ITS TERRITORIES AND CANADA AFL-CIO-CLC

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RITA RUSSELL  
President

BARRY GARFMAN  
Business Representative  
Projection

CAROL BOKUN  
Business Representative  
Theatrical

JOHN SEID  
Secretary - Treasurer

March 1, 2016

Dear Chairman Espinal and DCA Committee Members:

My name is Barry Garfman and I am the Business Representative for the Motion Picture and Allied Crafts Division of New York Local 306 of the International Alliance of Theatrical Stage Employees, Motion Picture Projectionists and Allied Crafts of the United States, Its territories and Canada.

Many of our members were employed in projection rooms and booths in the hundreds of theatres which used to exist in all five boroughs of this magnificent city.

Testimony has been presented to this Committee that the technology used to produce a motion picture on a theater screen has changed, as indeed it has. It has become less dangerous in some respects, and more technologically challenging in others. The equipment used to make the movies move is still hazardous, despite what employers and their lobbying organization, National Organization of Theater Owners have presented.

Digital servers are complex, detailed masterpieces of storage utilizing the digital technology of today. Server operation requires great attention to detail as well as computer skills and technical knowledge of the server's interface with each of the projectors in the theater. The number of screens and projectors often number 15 or more, up to 24 in some cases.

Projectors, on the other hand, are still high-voltage and high-amperage pieces of equipment which, if mis-used can cause electrical shock and possible death therefrom. The focused light output can, if improperly viewed, cause blindness. In fact the newest projection technology utilizes laser light, which is regulated by New York State Law and of itself requires stringent testing by the State Dept. of Labor.

In their presentation, advocates for the removal of the City's testing requirement are quick to demonstrate that old-fashioned techniques no longer exist, which is true. However, we present to this committee that to create the "magic" of the movies still is done at a certain risk. To place a worker who is not properly schooled in those hazards and the proper care and maintenance of today's equipment could prove harmful to the operator, other employees and ordinary ticket-buyers in the audience.





We respectfully urge the members of this DCA Committee to retain the license requirement, re-write test materials to bring the information up-to-date (which we of Local 306 would be glad to help with) and insure a safe workplace and a safe movie-going experience at every motion picture venue in the City of New York.

Thank you for this opportunity to present these facts.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Garfman".

Barry Garfman  
Business Representative

BG/rd

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1006 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/22/16

(PLEASE PRINT)

Name: MATTHEW GREULX

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

I represent: NATO, THEATRE OWNERS OF MYS, INC.

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1006 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/22/16

(PLEASE PRINT)

Name: Richard Maceboni

Address: 190-02 Herbert Harding QUEENS NY 11365

I represent: NATO

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

**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: 2/22/14

(PLEASE PRINT)

Name: BRODWAY SOCIETY

Address: 175 E 5th ST NEW YORK NY 10003

I represent: NATO

Address: 825 8th Ave

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

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 2-22-2016

(PLEASE PRINT)

Name: Amit Bagar, Deputy Commissioner

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

I represent: DCA

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

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 2-22-16

(PLEASE PRINT)

Name: Alba Pico, Acting Commissioner

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

I represent: DCA

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

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THE CITY OF NEW YORK**

Appearance Card

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in favor     in opposition

Date: 2-22-16

(PLEASE PRINT)

Name: Nancy Schindler, Associate Commissioner

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

I represent: DCA, Acting Commissioner

Address: DCA

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THE CITY OF NEW YORK**

Appearance Card

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in favor     in opposition

Date: 2-22-16

(PLEASE PRINT)

Name: Eline Kottlyar, Assistant Commissioner

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

I represent: DCA

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

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