

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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June 28, 2016
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HELD AT: 250 Broadway- Committee Rm, 16th Fl.

B E F O R E:

COREY D. JOHNSON
Chairperson

COUNCIL MEMBERS:

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

John Luisi
Assistant Commissioner for Agency Compliance
New York City Department of Parks and Recreation

Eddie Albert
President
Prospect Park Baseball Association

[gavel]

CHAIRPERSON JOHNSON: Good morning

everyone. My name Council Member Corey Johnson,
Chair of the City Council's Committee on Health and
I thank you for joining us today for today's
hearing on Introduction 1194. This bill would make
a clarification to Local Law 57 of 2016; a law that
we passed in April to require defibrillators at
youth baseball games and practices on city-owned
baseball fields. This was a bill that was co-
sponsored by Minority Leader... Minority Leader
Matteo and myself. The city will be providing these
defibrillators to leagues along with training and
their use. Since the passage of Local Law 57
however the question has been raised of what
happens if the city fails to provide defibrillator
to leagues. Requiring leagues to pay for them can
cause financial hardship for some leagues and we
want to ensure that we aren't overburdening them.
The city is required under Local Law 57 to provide
defibrillator to the leagues and has pledged to do
so. But Introduction 1194 would clarify that, the
bill we're hearing today. If the city fails to
provide the defibrillators at some point in the

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2 future the leagues would not be obligated to buy
3 them. I want to thank Minority Leader Matteo who
4 has been a leader on this issue and I look forward
5 to hearing the administration's comments as well as
6 anyone else who wishes to testify at this hearing
7 today. So I want to acknowledge the committee
8 staff; the Committee Counsel David Seitzer, my
9 Legislative Director Louis Cholden-Brown, and the
10 Policy Analyst for the Health Committee Crystal
11 Pond. And with that I'd like to call the Parks
12 Department up. So if you could just please raise
13 your right hand. Do you affirm to tell the truth,
14 the whole truth, and nothing but the truth in your
15 testimony before this committee and to respond
16 honestly to council member questions?

17 JOHN LUISI: I do.

18 CHAIRPERSON JOHNSON: Thank you very
19 much.

20 JOHN LUISI: Thank you.

21 CHAIRPERSON JOHNSON: You may begin.

22 JOHN LUISI: Good morning Chair Johnson,
23 Leader Matteo, and members of the Committee on
24 Health. I'm John Luisi, Assistant Commissioner for
25 Compliance at the New York City Department of Parks

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2 and Recreation. Thank you for inviting me to
3 testify today regarding Intro 1194 which would
4 amend the administrative code in relation to
5 defibrillators at baseball fields where youth
6 leagues play. At New York City Parks the safety of
7 our Park patrons is always first and foremost on
8 our minds. And we agree with the council that
9 ensuring that trained individuals have the
10 necessary equipment to intervene in emergency
11 situations can help save lives. With the enactment
12 of Local Law 57 of 2016 the city will make
13 available at no cost automated external
14 defibrillators, also known as AEDs to youth
15 baseball leagues playing in city parks and on
16 fields leased from the city. In addition, the city
17 will make available training courses and the use of
18 AEDs at the cost of youth leagues. These leagues
19 will be required to bring an AED to every game and
20 practice and certify that a coach, umpire, or other
21 qualified adult trained in the use of AEDs will be
22 present as well. New York City Parks along with the
23 Department of... with DCAS, with OMB and Mayor's
24 Office are working together to develop the most
25 efficient protocol for disseminating training and

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2 distributing AEDs to youth leagues citywide. We
3 will be keeping City Council abreast of these
4 efforts and are preparing for full implementation
5 of this law for its effective date in January 2017.
6 As for procedural amendments to Local Law 57 New
7 York City Parks has no concerns. Thank you for your
8 continued leadership on the issue and we look
9 forward to working with all of you as we help build
10 a healthier and safer future for New York City's
11 youth. Thank you for allowing me to testify and
12 I'll be happy to answer any questions.

13 CHAIRPERSON JOHNSON: Thank you for
14 being here. Minority Leader Matteo.

15 MINORITY LEADER MATTEO: Thank you Chair
16 Johnson. The only question... I... I just want to make
17 sure is that how the rollout is... is progressing
18 where we... within... how we're going to get the AEDs
19 in time for next year's season and is there any
20 issues that are... that are coming up during the
21 roll-out process that the parks are seeing?

22 JOHN LUISI: We are proceeding with all
23 deliberate speed and we... we anticipate being able
24 to roll out as scheduled.

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2 CHAIRPERSON JOHNSON: Any other
3 questions from members of the committee? That was
4 painless and easy. Thank you very much for your
5 testimony.

6 JOHN LUISI: Thank you very much.

7 CHAIRPERSON JOHNSON: Okay we have one
8 person who is here to testify. We have Eddie Albert
9 from the Prospect Park Baseball Association. We've
10 been joined by Council Members Cornegy from
11 Brooklyn, Vacca from the Bronx, Koo from Queens,
12 again Minority Leader Matteo, and Majority Leader
13 Van Bramer was here as well. You may begin Mr.
14 Albert.

15 EDDIE ALBERT: I'm Eddie Albert. Over
16 the past 20 years... 21 years I served as a Coach
17 Board Member and Officer of the Prospect Park
18 Baseball Association. I'm currently its president.
19 We applaud the council for turning its attention to
20 the safety of our children who participate in
21 baseball, and in particular to assist dissemination
22 and use of defibrillators. However, while we
23 support the intent of this law I believe it's
24 overbroad and maybe impossible to administer as
25 currently written and could result in making

1 baseball less available for our children. Although
2 the purpose of this hearing is to discuss an
3 amendment to the law I'm asking that based on what
4 I have to present the committee recommends to the
5 council that at the very least it votes the total
6 operation of the law to allow time to reconsider
7 certain of its aspects. I believe that some
8 background about the realities of youth baseball in
9 the city is in order. Playing youth baseball is
10 constrained by many factors; access to fields, how
11 well the fields are maintained, the lack of field
12 storage for field and.. and team equipment, the
13 difficulty to find parking at fields, and the
14 financial realities that require most to be run by
15 parent volunteers and perform limited
16 administrative functions just to name a few. With
17 regard to access to the... to the fields for leagues
18 to operate with any certainty they must obtain
19 permits from the Parks Department that cover their
20 season. In the context of this law the realities of
21 field permitting is extremely important to
22 understand because the law imposes an obligation on
23 youth baseball leagues based on what I believe is
24 an assumption that there is a direct relationship
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1 between a league and its control of the fields on
2 which it plays. From my experience that is often
3 not the case. Many youth and adult organizations
4 and private and public schools are granted
5 baseball/softball field permits. In most cases
6 these permits are shared so that any given day the
7 times of use on any single field will be divided
8 among the permit holders. Most importantly not all
9 permit holders are leagues. Many are simply youth
10 sports organizations that place their teams in
11 leagues and those involved share the permits. In
12 fact, most permit holders don't have enough
13 children in their immediate neighborhood to create
14 a threshill [phonetic] number... threshold number of
15 teams in each age group to run a league. As a
16 result, some leagues don't even have permits in
17 their own name. They rely on the permits of the
18 participating youth organizations. Baseball field
19 permits only require that games be played on the
20 permitted fields. In many cases only one of the
21 permit holders runs the league. It is in fact a
22 very practical way to deal with the realities of an
23 ever-shifting population and the instability of
24 organizations that depend completely on volunteers.
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2 This may be best understood by looking at my
3 league. The prospect park baseball association is
4 one of the largest youth baseball and softball
5 organizations in the city. It draws its
6 participants from neighborhoods all around Prospect
7 Park, west of Brooklyn Heights, Cobble Hill [sp?],
8 Carol Gardens, south and west of Sunset Park and
9 Bay Ridge, and east of Benson Hurst and all
10 neighborhoods in between. In fact the PPBA is a
11 union of eight community organizations, 78th
12 Precinct Youth Council, the Brooklyn Angels, Camp
13 Friendship, Holy Named Fathers Guild, Immaculate
14 Heart of Mary, Our Lady of Guadeloupe, South
15 Brooklyn Baseball League, and Saint Francis Youth
16 Sports. The PPB has completely volunteer
17 organization with no staff. It holds some of the
18 permits. It makes and enforces the rules. And it
19 contracts out schedule making and umpiring. It
20 relies on member organizations to obtain and
21 register the players, to supply the uniforms and
22 equipment, to obtain the coaches, and to supply the
23 balance of the fields under the permits. Some of
24 the... some facts about the PPBA from this past 2016
25 season which ran from April through June. We had

1 about 2,500 boys and girls ages four to 17
2 participating. We had 206 teams; 185 baseball, 21
3 softball. 69 of the teams are composed of four to
4 seven year olds that play using soft safety balls
5 where coaches pitch on their knees to the players.
6 22 of the teams are composed of eight year olds
7 that also play using safety balls where the
8 coaches... where the... where the players learn to
9 pitch. A total of almost 2,000 games are played
10 during a 10-week season; 103 each weekend and 93
11 during the early evenings from Monday through
12 Friday each week. And I... I present a chart here
13 that gives you a breakdown. The PPBE uses 22 fields
14 in Brooklyn to play its games except for one which
15 is church property those fields are under permits
16 issued by the Parks Department to the PPBA or
17 separately to member organizations that may or may
18 not use certain time slots for the PPBA. Note that
19 almost half of the permits used to run the league
20 are not held by the PPBA but by their member
21 organizations. And I give you a list of how it
22 breaks down in a chart under that. On any given day
23 a field may be used by a different PPBA age group
24 at different times. And the field... and the same

1 field may be used by a completely different league
2 such as adult softball under a different permit.
3 Henswhile [phonetic] the PPBA is among the largest
4 leagues of this type many of the other youth
5 baseball leagues, though smaller, operate in a
6 similar fashion. As previously noted very few
7 permit holders have enough teams in each age group
8 to run a self-contained league. With that
9 background I'd like to address two issues; the
10 first being the amendment proposed. As I understand
11 it the proposed amendment attempts to clarify that
12 the league is exempt from the requirements of the
13 law if that league does not receive a defibrillator
14 from the city. If this is indeed the intent I would
15 respectfully ask that the council make the law
16 clear that leagues are authorized the leased fields
17 and can hold games and practice when they are not
18 allocated defibrillators. In other words, the law
19 should specifically state that being exempt from
20 the obligations of this law should not impair..
21 impair the ability of the youth baseball league to
22 obtain permits for the parks department for the
23 field. How to determine if a league should be
24 exempt is yet another question that requires more
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2 specific guidance. Secondly, I'm requesting that
3 the council carefully reconsider the efficacy of
4 this law and delay its implementation so that the
5 council can work with leagues to address some of
6 the concerns I raised below. I have serious
7 concerns that even if enough defibrillators are
8 made available to the city's youth baseball leagues
9 it will be impossible to have one at every game and
10 practice when virtually all the teams are run by
11 volunteer parent coaches. In addition, since the
12 passage of the law there appears to be new
13 protective equipment technology on the horizon soon
14 to be released that promises to be a more
15 comprehensive and easily implemented solution. With
16 respect to implementing this law how can a league
17 that has over 200 games that plays... 200 teams that
18 plays almost 2,000 games on 22 fields manage to
19 have defibrillators at every game? In its testimony
20 before the committee and Assistant Commissioner
21 Luisi is here and I quote some of his testimony
22 with regard to the Parks' managed facilities and
23 the difficulty it will be have them there I'll
24 quote it again; Mr. Luisi said we do not believe
25 the installing... that installing AEDs in outdoor

1 cabinets at over 450 baseball parks would be the
2 most effective way of accomplishing our shared goal
3 of ensuring that such devices are easily
4 accessible. And in the hands of trained individuals
5 at the time of the emergency. Fixed post staff is
6 not necessarily present at NYC Park ball fields
7 during instances of league play so we would not be
8 able to guarantee the presence of AED certified
9 Parks Personnel games, during games. Since the
10 devices need to be readily available in unlocked
11 case securing the devices would also be a
12 significance in turn and they would be exposed to
13 potential theft or misuse. Further providing daily
14 inspections as mandated by state law for an
15 additional 450 AEDs dispersed throughout the city
16 would be a tremendously difficult burden. Lastly,
17 AED manufactures recommend that the device be
18 stored at 32 to 110 degrees Fahrenheit so we would
19 be concerned about exposure to extreme heat or cold
20 in an outdoor cabinet. Unfortunately, the solution
21 which was adopted by the council was to pass the
22 responsibility to volunteer parents who have to
23 carry much of the team's equipment to every game,
24 have to locate difficult field parking, have to
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1 manage the behavior of 13 or more youth both on the
2 field and on the bench where other possible safety
3 hazard lurk such as arrant bat swing. I'm certain
4 that coaches will balk at having to be responsible
5 for a piece of equipment you value at \$2,500
6 particularly in the context of the usual mayhem
7 that accompanies having to coach a youth team. The
8 vast majority of the practices and games are
9 coached by volunteer parent coaches who rotate
10 between themselves depending on their busy
11 schedules. To be frank even if we were to provide a
12 sufficient number of machines I don't know how we
13 would be able to make sure they are at the right
14 games, practices.. and practices due to the shifting
15 nature of parent volunteers, field availability,
16 and weather conditions. So what are the possible
17 implementation options facing the leagues, the
18 Parks Department, and this council? Option 1; give
19 a defibrillator to every coach. That would mean an
20 expenditure by the city of over four million
21 dollars assuming defibrillators are only \$2,000 for
22 just the PPBA head coaches alone. Two; assign a
23 defibrillator to every field and lock it in a
24 secure box. That sounds good in theory but as Mr.

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2 Luisi clearly delineates obvious issues with this
3 approach. In addition, the Parks Department would
4 generally only allow storage boxes at a field if
5 all the permit holders at that field have access to
6 the box. In that case those unaffected by this law
7 such as soccer and adult leagues will have access
8 to the box containing defibrillators at many
9 fields. What's the likelihood the defibrillator
10 will be there when needed? Extremely low. Or option
11 3; assign a defibrillator to every field and rely
12 on coaches to pass them to each other between games
13 and practices. The likelihood that that will work
14 is extremely low particularly since most coaches
15 are volunteer parents with jobs and families and
16 have barely enough time to hold practices and get
17 to games on time. Asking them to be trained and to
18 pass them to another coach sometimes twice a week
19 is highly impractical. While they may have
20 schedules to consult most leagues do not update
21 published schedules in the event of cancellations
22 due to rains or forfeits. Determining to which... to
23 which coach the machine should be passed will be
24 highly problematic. All of this assumes a level of
25 scheduling competence on communication that is very

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2 rare among volunteer run leagues. While the PPBA is
3 large these options are relevant to leagues of all
4 sizes. While no sport is risk-free baseball is one
5 of the safest of youth sports. The rate of
6 catastrophic injuries is very low; approximately
7 one injury per one million participants per year
8 and it's getting safer every year as with the
9 adoption of the wood bat policy for hardball games
10 in my leagues and many others in the city. I want
11 to reiterate how important player safety is to us.
12 In fact, since most of our coaches are parents
13 themselves you can imagine how seriously they take
14 the issue. But while I share the goal of this law I
15 don't know that we can implement it as currently
16 written. Unlike school baseball leagues this simply
17 won't work in the context of independent youth
18 organizations that use so many fields that have no
19 Parks personnel present during games and practices.
20 What is most likely to happen is that machines will
21 be lost or stolen and in the process an underground
22 market for these machines will be fed. I also
23 believe that since many defibrillators will
24 disappear assessing fines to organizations will put
25 most of them out of business. If enforced as... as

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2 written I believe this law is destined to have a
3 chilling effect on baseball... youth baseball in the
4 city. Is that what the council really wants to
5 happen? Of course I and my organization greatly
6 care... care greatly about the safety of the
7 attention but this law... intentioned is overbroad
8 and impossible to implement and will have a
9 chilling effect on youth baseball. The law makes
10 great sense for managing the availability and use...
11 when... when managing the availability and use of the
12 defibrillators is realistic such as for school
13 leagues where the equipment is stored in the
14 schools and handled by one or two coaches and the
15 velocity of balls batted and thrown are the
16 greatest. But that is not the case with independent
17 youth baseball leagues particularly where there is
18 likely to be no risk; namely safety balls pitched
19 by coaches from their knees to four and seven year
20 olds. [off mic] These are... these are the balls
21 used, pitched underhand. You're requiring
22 defibrillators to be at games like this. [on mic]
23 Unfortunately, there is literally no scenario I can
24 think of that would allow us to meet the intent of
25 this law as currently written. And in this hyper

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2 litigious society I believe that the law is
3 destined to deter adult involvement in a sport that
4 provides so many benefits to our youth. Finally,
5 there appears to be a significant effective gear... a
6 change in effective gear that protect against
7 commotion cordis at the time of the passage of this
8 law medical journals saw little efficacy in the
9 then current used protective equipment. Recently
10 however the March 24th, 2016 issue of the Clinical
11 Journal of Sports Medicine, the April 22, 2016
12 issue of SportTechie and the April 19, of 2019
13 addition of Market Wire dot com revealed technology
14 that's new in chest protectors that shows great
15 promise. I quote; testing results concluded the
16 heart protectors are up to 95 percent effective in
17 preventing the onset of commotion cordis and I site
18 those... those journals. I ask the committee to
19 recommend to the council that... the implementation
20 of the law and meet with me and other league
21 directors so we can work together to develop a
22 practical solution to... to further increase player
23 safety. Together we can develop a more balanced
24 approach to safety and practicality. Youth baseball
25 involves lives by taking kids off the streets, by

1 giving them a healthy outlook and... and plenty of
2 good mentors and leadership opportunities. It
3 provides a very valuable experience in many... in
4 being a group member, by learning rolls, by
5 learning about competition, about learning about
6 how to win or lose. Please give serious thought to
7 reconsidering the law. As written I believe it will
8 have a chilling effect on the future of youth
9 baseball in the city and I hope we can work
10 together to address the issues I've outlined. If,
11 however, reevaluation of the law is not the road
12 the council wishes to take I request... it consider
13 the following amendment in the following areas.
14 Limit the need for defibrillator to games only, not
15 practices. Limit the requirement for games where
16 hardballs are used thus not for games with four to
17 eight year olds in which safety balls are used.
18 Limit the implementation of the law to fields that
19 are Parks managed facilities where Parks Department
20 personnel are on site and responsible for providing
21 defibrillators when needed such as the playgrounds.
22 And if implementation is required for non-Parks-
23 managed field provide additional funding for those
24 league permit holders to pay people to manage the
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2 administration of the program based on the number
3 of machines allocated to those leagues. Thank you
4 for giving me the opportunity to address this.. this
5 committee on these issues and I hope you will
6 accept my recommendation to reconsider the law and
7 work with those intimately involved with running
8 the league to come up with more practical
9 solutions.

10 CHAIRPERSON JOHNSON: Thank you Mr.
11 Albert for your very detailed, in depth testimony.
12 You clearly care a tremendous amount about your own
13 league and the young people that are able to
14 participate and you care about baseball and
15 softball in New York City and the benefits. So we
16 appreciate that. You know we will look at your...
17 will look at your testimony and we'll have a
18 conversation. I... I can't sit here today and tell
19 you...

20 EDDIE ALBERT: Of course.

21 CHAIRPERSON JOHNSON: ...that we're
22 willing to make changes that you've delineated in
23 your testimony. It was good to hear some of the
24 things like the... the soft balls if they're being
25 pitched underhand. I mean there might be ways that

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2 we could look at. But I have to have a conversation
3 with the staff here and with the minority leader
4 and we can see what's potentially possible. So I'm
5 glad you took time out of your busy schedule to be
6 here today and to testify and... and I... I appreciate
7 it.

8 EDDIE ALBERT: My pleasure.

9 CHAIRPERSON JOHNSON: Any other
10 questions? Thank you. Thank you very much. Anyone
11 else here to testify today? With that this hearing
12 is closed.

13 [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 July 13, 2016