

THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

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2007 APR -4 P 3:03

EDDIE BAUTISTA  
DIRECTOR  
CITY LEGISLATIVE AFFAIRS

April 4, 2007

Honorable Victor L. Robles  
City Clerk and Clerk of the Council  
Municipal Building, 2<sup>nd</sup> Floor  
New York, NY 10007

Dear Mr. Robles:

Transmitted herewith is the bill disapproved by the Mayor. The bill is as follows:

**Introductory Number 341-A**

A local law to amend the administrative code of the city New York, in relation to prohibiting the use on non-wood bats.

Sincerely,

Patrick Wehle

cc: Honorable Christine C. Quinn



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Hon. Victor Robles  
City Clerk and Clerk of the Council  
Municipal Building  
New York, NY 10007

Dear Mr. Robles:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 341-A, which would require in the City of New York that only wood bats be used in competitive high school baseball games that include 14 to 17 year-olds as participants. The prohibition includes any organized game officiated by a certified umpire that involves the participation of a public or private school (defined as any school that includes any grade nine through 12) or the sponsorship of such a school. The bill defines a "wood bat" as excluding any baseball bat made in whole or part of metal.

I share the Council's concern for the safety and well-being of high school athletes. I disagree with its view that Introductory Number 341-A will advance the goal of ensuring that high school baseball games maintain their current competitive and safe levels. Baseball is one of the safest of all the major sports played at the high school level. The risk of injury resulting from batted balls is extraordinarily small. In the City, there is no record of any serious injury resulting from a batted ball.

Moreover, there is insufficient scientific evidence to support the contention that wood bats are safer than metal bats. In 2002, the Consumer Product Safety Commission completed its study of the relative safety of metal and wood baseball bats and concluded that the available data were insufficient to indicate that non-wood bats posed an unreasonable risk of injury. The Commission found that there was no basis for concluding that injuries produced by balls batted with non-wood bats were more frequent or severe than those involving wood bats. Similarly, organizations that oversee youth baseball, such as American Legion Baseball, found that there was insufficient evidence to conclude that metal bats pose a greater risk of injury.

In the absence of evidence establishing that a piece of sporting equipment creates a public safety concern, the issue of the most appropriate baseball equipment should be left to those charged with overseeing the sport. In the City, the Board of Education's School Support Services oversees the Public Schools Athletic League, which operates under the National

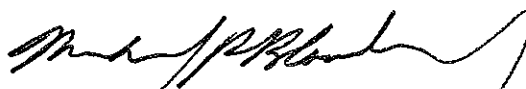
Federation of State High School Associations. Federation rules provide that metal bats used in competitive baseball games must meet certain standards, including the "ball exit speed ratio" and length/weight differential standards utilized by the National Collegiate Athletic Association, which serve to limit the speed of a ball struck by a metal bat.

Apart from the issue of safety, the bill could very well have the unintended consequence of creating a barrier for some City high school baseball players vying for college baseball scholarships. Colleges and high schools throughout the country use metal bats. Because batting statistics for players using wood bats generally are lower than for those using metal bats (which have a larger "sweet spot"), requiring City baseball athletes to use wood bats would place them at a competitive disadvantage.

In sum, Introductory Number 341-A's ban on metal baseball bats in City high school baseball games is unsupported by any empirical data, and risks placing City high school baseball players at a competitive disadvantage. The bill represents an inappropriate intrusion into an area that should be left to the considered oversight of baseball league officials, who are best suited to address such matters.

Introductory Number 341-A is hereby disapproved.

Sincerely,



Michael R. Bloomberg

cc: Hon. Christine C. Quinn

Proposed Int. No. 341-A

By Council Members Oddo, Fidler, Sears, White Jr., McMahon, Vallone Jr., Felder, Martinez, de Blasio, Gallagher, Comrie, Mendez, Reyna, Brewer, Stewart, Yassky, Nelson, Seabrook, Addabbo Jr., Recchia Jr., ~~Liu~~, Gioia, Barron, Arroyo, Baez, Palma, Vacca, Koppell, Gonzalez, Lappin, Vann and Ignizio, Rivera and The Public Advocate (ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of non-wood bats.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds that the use of non-wood bats poses an unacceptable risk of injury to children, particularly those who play competitive high school baseball.

§2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-165 to read as follows:

§10-165 Prohibition of use of non-wood bats. a. Definitions. When used herein, the following terms shall have the following meanings:

1. "Competitive baseball game" shall mean any organized baseball game at which a certified umpire officiates and which takes place in the city of New York.
2. "High school age children" shall mean persons older than thirteen years of age, but younger than eighteen years of age.
3. "School" shall mean any public or private school which includes any grade nine through twelve and which is located in the city of New York.
4. "Wood bat" shall mean any baseball bat constructed exclusively of wood or any wood laminated or wood composite bat, which is approved by major league baseball, pursuant to such organization's official rules, for major league or minor league baseball play; provided that such term shall not include any bat made in whole or in part of metal, including, but not limited to, aluminum, magnesium, scandium, titanium or any other alloy compound.

L.P.

b. Only wood bats shall be used in any competitive baseball game in which high school age children are participants and which involves the participation and/or sponsorship of a school.

§3. This local law shall take effect on September 1, 2007.

**DISAPPROVED**

ON THE 4th DAY OF April 2007

[Signature] MAYOR

I hereby certify that the above bill was passed by the Council of the City of New York on March 14, 2007.....receiving the following votes:

Affirmative.....40

Negative.....6

Not Voting.....2

[Signature]

VICTOR L. ROBLES, City Clerk, Clerk of the Council.

3/1/07 1:51 pm

L.P.