

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WOMEN AND  
GENDER EQUITY

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September 14, 2021  
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HELD AT: Committee Room - City Hall

B E F O R E: Darma V. Diaz  
Chairperson

COUNCIL MEMBERS:  
Laurie A. Cumbo  
James F. Gennaro  
Ben Kallos  
Brad S. Lander  
Farah N. Louis  
Helen K. Rosenthal

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

Jacqueline Ebanks  
Executive Director of NYC Commission on Gender  
Equity

Erin Drinkwater  
Deputy Commissioner of NYC Commission on Gender  
Equity

Jennifer Weiss-Wolf  
Brennan Center



CHAIRPERSON DIAZ: Good morning, and welcome to the Committee on Women and Gender Equity's Oversight Hearing on Menstrual Equity in New York City. I am Council Member Darma V. Diaz, Committee Chair, and pronouns are she/her and hers. First, thank you to everyone who's here to testify today. This is the committee's first in-person oversight hearing since before pandemic, as well as my first hearing as Committee Chair. I have long been concerned about the issue, and I'm really looking forward to hearing what everyone has to say. So, let's get to it. Menstrual is a normal and healthy part of life for most women. Roughly half of the female population are productive age and menstrual each month for about two to seven days. Menstrual products are also known as period products, also, personal care products used during menstrual and other bodily functions related to the vulva and vagina. Even though period products including but not limited to pads and tampons are necessary as toilet paper and soap, and the United Nations has declared the right to menstrual hygiene as a human right. Many menstruating New Yorkers lack access to menstrual products due to cost. Moreover, such as

1 stigma, many face unnecessary barriers to access, and  
2 studies have shown that lack of awareness of good  
3 menstrual product practices can result in serious  
4 health consequences. In 2016, the Council passage of  
5 Local Laws 82, 83, and 84, New York became the first  
6 US city to pass comprehensive legislation related to  
7 menstrual equity. This package of legislation  
8 increased access to period products for individuals  
9 incarcerated in Department of Correction jails. Human  
10 Resources Administration shelter residences is used  
11 under the care of Children's Services facilities,  
12 including transgender, intersex, and gender non-  
13 conforming New Yorkers, and Department of Education  
14 students. However, advocates have revealed flaws in  
15 implementation of these laws from the provision of a  
16 one-size option and low-quality products that fail to  
17 unnecessary barriers to access, such as not to have  
18 the products and [inaudible]-- areas where they're  
19 dispensed ready and available in bathrooms.  
20 Committee Staff have also been informed that there is  
21 a need in elementary schools. I started at the age  
22 of nine. Therefore, I plead with the City of New  
23 York and all listening today to please lower the age.  
24 In city jails there have been reports of inconsistent  
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access to menstrual products that have led to pads and tampons becoming bargaining chips used to maintain control by correction officers or traded among incarcerated women. This is inappropriate and inconceivable. I am so shocked. Prior to the joining the Council, I was Director of Housing Services for a nonprofit shelter in New York City, so I'm very familiar with equality issues that the City provided menstrual products-- and I share with you-- just for the Committee, if you have not seen it before. So here is what was given to you [inaudible] and then those [sic]. What I was able-- one way that I was able to get my clients in shelter to use them, is I convinced them to use two pads to one tampon, and check themselves about 45 minutes per day, per hour, which is definitely beyond comprehension for me. While period poverty, a term coined-- coined by Jennifer Wise Wolfe [sp?], who may be here today, has been a longstanding issue. It is now even more pronounced that in some women have the brunt of COVID-19 pandemic, from job loss to food insecurity in support of Girls, a nonprofit that provides free tampons and pads has reported 35 percent increase in requests for products and has collected and

2 distributed over two million products since March  
3 2020. At today's hearing, I am interested in  
4 overview of the implementation of 2016 law, including  
5 information on the [inaudible] and distribution  
6 period products. I am also interested in receiving  
7 testimony that can inform better policy in order to  
8 achieve real menstrual equity in New York City.  
9 before we hear from the Administration, I'd like to  
10 thank Jerry Kahsum [sic], my Communications Director,  
11 Karen Trey [sp?], my Chief of Staff, and the staff  
12 that also works really hard to prepare me for a  
13 hearing, the Sergeants in Arms who are working to run  
14 this hearing and keep up safe, and committee staff  
15 for their work in preparing this hearing, including  
16 Brenda McKinney [sp?], Committee Counsel, Chloe  
17 Rivera [sp?], Senior Policy Analyst-- thank you  
18 Chloe--, Aisha Wright [sp?], the [inaudible] Unit  
19 Head. Finally, I want to acknowledge committee  
20 members who are present, the one and only Helen  
21 Rosenthal-- thank you. Now, the Committee Senior  
22 Analyst Chloe will swear in Administration.

23 COMMITTEE SENIOR ANALYST: Thank you. If  
24 you can raise your right hand and respond by pressing  
25 the button on your mic. Do you affirm to tell the

2 truth, the whole truth, and nothing but the truth  
3 before this committee and to respond honestly to  
4 Council Member questions?

5 : I do.

6 : I do.

7 COMMITTEE SENIOR ANALYST: Thank you.  
8 You may begin.

9 EXECUTIVE DIRECTOR EBANKS: Good morning  
10 Chair Diaz. Good morning Council Member Rosenthal.  
11 Thank you all for having us here today, and as  
12 always, thank you for your support for the work of  
13 the Commission on Gender Equity, and certainly for  
14 your leadership in this space in the City. I am  
15 Jacqueline Ebanks, Executive Director of New York  
16 City's Commission on Gender Equity. In this role, I  
17 also serve as an advisor to the Mayor and First Lady  
18 on policies and issues affecting gender equity in New  
19 York City for all girls, women, gender non-binary  
20 persons, and persons of trans experience, regardless  
21 of their ability, age, ethnicity, or race, regardless  
22 of their faith, gender expression, or immigrant  
23 status or sexual orientation, and socioeconomic  
24 status. My colleague, Erin Drinkwater, Deputy  
25 Commissioner of Intergovernmental Affairs and



1  
2 Legislative Affairs for the Department of Social  
3 Services and I, we welcome this opportunity to  
4 discuss the Administration's menstrual equity efforts  
5 since the enactment of the 2016 law. The de Blasio  
6 Administration is and has been steadfast in its  
7 commitment to promote equity, excellence, and  
8 fairness for all New Yorkers, from combatting  
9 workplace sexual harassment and discrimination on the  
10 basis of sexual orientation or gender identity, to  
11 enshrining rights for pregnant and parenting New  
12 Yorkers, to ensuring access to inclusive services and  
13 paid save leave for survivors of domestic and gender-  
14 based violence. This Administration has converted  
15 its words into action to become a leader in  
16 protecting the rights of all New Yorkers regardless  
17 of gender identity, gender expression, or background.  
18 It is within this context that CGE works to create  
19 lasting institutional commitment to tearing down  
20 equity barriers across New York City. CGE carries out  
21 these activities across three areas of focus within a  
22 human rights framework and using an intersectional  
23 lens. Our areas of focus are economic mobility and  
24 opportunity where we strive to create a city where  
25 people of all gender identities and expression live

2 economically secure lives and have access to  
3 opportunities to thrive. Our second area focus is  
4 health and reproductive justice. We strive to foster  
5 a city free from gender and race-based health  
6 disparities. And finally, our third area of focus is  
7 safety, where we seek to build a city free from  
8 gender and race-based violence. As you noted,  
9 menstruation is a natural monthly occurrence  
10 experienced by over half the population for much of  
11 their lives, and yet stigma and lack of access to  
12 menstrual products is still pervasive within our  
13 society. Menstrual equity is the equal, safe, and  
14 affordable access to menstrual products as well as  
15 ensuring that girls, women, gender non-binary persons  
16 and persons of Trans experience have the support and  
17 the education to make informed choices on how to take  
18 care of their menstrual health. Although CGE address  
19 menstrual equity primarily within its health and  
20 reproductive justice focus area, we acknowledge that  
21 matters of economic mobility and opportunity and  
22 matters of safety are inextricably linked to  
23 menstrual equity and deeply affect one's quality of  
24 life. Menstrual inequity is there for a gender and  
25 reproductive justice issue which disproportionately

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affects marginalized girls, women, gender non-binary persons, and persons of trans experience who are students or living in poverty, or homeless and/or experiencing housing insecurity, or justice-involved, and/or in our foster care system. Nationally, nearly a quarter of students experience period poverty according to a 2021 national survey on the State of the Period. With lower income and students of color, particularly Latinx, disproportionately bearing the impact of lack of access to menstrual products. Students overwhelmingly agreed that too many of their peers miss school time because they do not have the period products they need. In addition, to access-- in addition to access to menstrual products, students are also cited struggling with period stigma in their school environment, and their need for more informed and open sexual health education, that includes in-depth menstrual health education. People living in poverty are directly affected by lack of access to menstrual products. It is estimated that women, girls, non-binary persons, and people of Trans experience who menstruate will have to spend well over a thousand dollars in their lifetime on menstrual products, although I think it's

1 much-- my personal experience, but well over. Even  
2 those who may have access to public assistance  
3 programs such as WIC or SNAP still face challenges as  
4 those public benefits are not permitted to cover the  
5 cost of menstrual products. This is particularly  
6 problematic because many people need access to  
7 menstrual products after birth, solely because of  
8 post-partum bleeding and discharge. People  
9 experiencing housing insecurity or homelessness also  
10 often struggle with access to menstrual products.  
11 Despite the positive research nationally, we know  
12 that some persons experiencing housing insecurity  
13 face barriers such as limitations on access to soap  
14 or a shower, or facility availability. It is also  
15 well-documented that non-binary persons and people of  
16 Trans experience can face particular challenges in  
17 sex separated spaces, sometimes reporting being  
18 turned away, harassed or assaulted when seeking a  
19 place to sleep. Many avoid shelters, sometimes based  
20 on the perception that shelter are unsafe and  
21 unsanitary. Furthermore, compared to the general  
22 population, persons of Trans experience and non-  
23 binary people are more than twice as likely to live  
24 in poverty and more than three times as likely to be  
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1 unemployed. Even in the absence of financial  
2 hardships, non-binary persons and persons of Trans  
3 experience bear the constant risk of violence and  
4 harassment in shared bathrooms and other public  
5 spaces. So, faced with barriers of poverty,  
6 homelessness and housing insecurity and gender  
7 discrimination, girls, women, gender non-binary  
8 persons, and persons of trans experience are often  
9 more likely to reuse, prolong use, or misuse  
10 menstrual products or other items such as diapers,  
11 toilet papers, etcetera to manage their period, all  
12 of which can lead to infection, infertility, or life-  
13 threatening diseases such as toxic shock syndrome. No  
14 one should have to compromise their education,  
15 economic opportunity, or physical or mental health  
16 because they cannot equitably access the period  
17 products they need. CGE testified in support of the  
18 Council's menstrual health equity bills-- I'm sorry,  
19 menstrual equity bills in 2016, and supported the  
20 state's elimination of the tampon tax that quickly  
21 followed the Council's action. Since the laws were  
22 enacted in 2016, agencies have implemented  
23 procurement and distribution processes to get the  
24 products to New Yorkers in accordance with the laws.  
25

2 The Administration was also able quickly to modify  
3 these processes for COVID-19 when in March 2020 New  
4 York City became the epicenter of the pandemic,  
5 resulting in sudden economic hardship for many New  
6 Yorkers, including increased incidences of period  
7 poverty. Students who previously relied on obtaining  
8 menstrual products in school were left without this  
9 resource in the context of a sudden shift to remote  
10 learning. In households where one or more parent may  
11 have left a job, the cost of menstrual products could  
12 add unprecedented financial stress on families.

13 Heeding the call of student's advocates, elected  
14 officials, and the Department of Health and Mental  
15 Hygiene collaborated to distribute sanitary napkins  
16 to New Yorkers through local food banks. In  
17 additional the Department of Education ensured that  
18 menstrual products were available at food  
19 distribution centers located at public schools. As  
20 we move forward, we hope to ensure the availability  
21 and fair access of menstrual health products. This  
22 work is now more important than ever. We are proud  
23 that New York City is among the first in the nation  
24 to address the issues of menstrual equity and period  
25 poverty by passing Local Laws 82, 83, and 84 of 2016,

1 ensuring free menstrual products in schools,  
2 correctional facilities, and shelters. To further  
3 support implementation of these laws and to address  
4 any gaps that exist or may arise, CGE will continue  
5 to collaborate with our colleagues at the Department  
6 of Education, Department of Corrections, Department  
7 of Homeless Services, and the Department of Citywide  
8 Administrative Services by convening a working group  
9 on menstrual equity within the gender equity inter-  
10 agency partnership which is a collaborative that  
11 advances intersectional gender equitable policies  
12 across city agencies. We anticipate convening this  
13 working group beginning October 2021, and we'll  
14 examine current practices, their efficacy in  
15 distributing menstrual products to New Yorkers. We  
16 will also explore additional ways to meet New  
17 Yorker's menstrual equity needs citywide. In  
18 conclusion, whether the lack of menstrual hygiene  
19 products derives from scarce funds, insufficient  
20 sexual health education or other barriers of access,  
21 no one should go without necessary menstrual  
22 products. Everyone should have the opportunity to  
23 make informed decisions with fair access to the  
24 products that best meet the needs of their bodies.  
25

2 Menstrual equity is a key issue at the intersection  
3 of public health, human rights, and gender and  
4 reproductive justice, and must be addressed to  
5 advance gender equity for New Yorkers. Thank you for  
6 inviting me to speak today. I look forward to  
7 continued conversations on this issue.

8 CHAIRPERSON DIAZ: Thank you. Very  
9 informative. Before we move forward, I'd like to  
10 acknowledge my colleague Farah Louis. Thank you.  
11 I'm going to kind of start backwards from what I last  
12 heard you say, and it's in reference to moving  
13 forward and the committee that's being put together  
14 as of October. When was that decided or created that  
15 there was the need for it?

16 EXECUTIVE DIRECTOR EBANKS: It was  
17 created through discussion as in our preparations. I  
18 must say that for this dialogue. Our agencies have  
19 been working diligently in providing the services.  
20 They have processes. They are in communication with  
21 each other. They also have procurement processes.  
22 They have communication processes with the  
23 populations they serve. But quite frankly, we  
24 recognize that this can be strengthened and we think  
25 the issue-- the key missing piece is consistent



2 collaboration, which is a unique place for the  
3 Commission on Gender Equity. I think this is the  
4 sort of work, the Commission in its current structure  
5 was created under the de Blasio Administration, and  
6 as we have built out the capacity, this is the type  
7 of work that we want to do, to foster greater  
8 dialogue, addressing a particular issue, and  
9 developing solutions equally important is measuring  
10 impact, and this a particular challenge in the area  
11 of menstrual equity, as one must guarantee, I  
12 believe, and I think my colleagues would agree, the  
13 privacy of the end user. So we want to be able to  
14 better document how the product reaches our end user,  
15 and how-- and their level of satisfaction with it,  
16 but also we want to guarantee their privacy in that  
17 process. I think that requires coordination, and it  
18 requires dialogue. It requires interaction with the  
19 users, all protecting their privacy, and so we want  
20 to be able to build on that, and we think that this  
21 work group is the approach to do it, one approach.  
22 I'm certain that others can develop.

23 CHAIRPERSON DIAZ: Who is the point  
24 person?

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COMMITTEE ON WOMEN AND GENDER EQUITY

EXECUTIVE DIRECTOR EBANKS: The Commission on Gender Equity, and I'm the Executive Director.

CHAIRPERSON DIAZ: It seems like a lot of people, a lot of conversation, and I would hope that from 2016 to now we've learned. As it's clear to us, it's a need and a necessity, and if we've learned anything during COVID is that it has to be now, now, now, now, now. How often does your committee plan to meet, and what level of your agenda, your pie chart, do you see this being addressed?

EXECUTIVE DIRECTOR EBANKS: Well, this will fit within our health and reproductive justice focus areas. So it's one of our top three focus areas.

CHAIRPERSON DIAZ: Okay.

EXECUTIVE DIRECTOR EBANKS: And I also as well Chair the Mayor's Sexual Health Education Taskforce which will sunset in May 2022. But we see the synergy as well between that issue at least in schools, right? So really, as you alluded, as you mentioned in your testimony, we may need to start earlier, what process ought that to be. How can we across city agencies work to develop those processes

2 that are user-friendly? You know, it's such a  
3 sensitive area, but how do we make them user-  
4 friendly. How do we make menstrual products  
5 regularly available? How do we ensure that they are  
6 transformational and supportive of the lives of the  
7 young women that we serve, gender non-binary  
8 individuals wherever they may be located, that they  
9 can feel that that issue is addressed fully in their  
10 life circumstances.

11 CHAIRPERSON DIAZ: Before I move on to my  
12 colleagues to ask questions, is today the first time  
13 you've heard where a child in elementary school may  
14 be in need of sanitary napkins? That could be to  
15 either of you, please.

16 EXECUTIVE DIRECTOR EBANKS: You know, I  
17 wouldn't say so. DOE did not communicate that to us.  
18 I won't speak for them at this moment, but we can  
19 address that. They have definitely heard of other  
20 issues, but not specifically that issue.

21 CHAIRPERSON DIAZ: Okay, thank you. Ms.  
22 Rosenthal?

23 COUNCIL MEMBER ROSENTHAL: Actually,  
24 thank you. Thank you, Chair, and thank you so much  
25 Director and deputy Commissioner for being here. I

2 really appreciate all your time. Such an important  
3 topic. Actually, my first question is just a question  
4 of just knowledge. The Chair's question just now  
5 about element-- the need for menstrual products in  
6 elementary schools. I just want to make sure, was  
7 that question based on a reality that the menstrual  
8 products are not available in elementary schools, but  
9 they are in middle and high schools in accordance  
10 with the law--

11 EXECUTIVE DIRECTOR EBANKS: [interposing]  
12 Sure.

13 COUNCIL MEMBER ROSENTHAL: grades six  
14 through--

15 EXECUTIVE DIRECTOR EBANKS: Okay,  
16 alright--

17 COUNCIL MEMBER ROSENTHAL: [interposing]  
18 Sounds like either a tweak to the law, or some common  
19 sense--

20 EXECUTIVE DIRECTOR EBANKS: [interposing]  
21 Well, we certainly can-- [inaudible] as in practice.

22 COUNCIL MEMBER ROSENTHAL: Yeah. Yeah.  
23 Alright, so you know, I similarly, as we all have,  
24 have heard stories that are just horrific about  
25 what's happening in the jails, our schools in

2 homeless shelters. So with that in mind, starting  
3 with the jails, my understanding is that pads are  
4 given out upon request, but not a lot of pads, and  
5 that it's-- one has to request over and over and over  
6 again for pads, but tampons are not distributed and  
7 must be purchased at the commissary. I am wondering  
8 is that-- that feels to me as someone who has  
9 menstruated in my life, as silliness, as a rule that  
10 would not be written by somebody who has menstruated  
11 in their life, and I'm wondering what-- in what way  
12 is that meeting the requirement of menstrual equity,  
13 and what accountability, and where is the  
14 accountability for the jail system, if that is a  
15 reality for menstruating people in jail.

16 EXECUTIVE DIRECTOR EBANKS: IN our  
17 discussion with our colleagues at DOC, you are  
18 correct, it's-- menstrual products are available upon  
19 request, but I think what you're pointing out is how  
20 onerous it is to consistently have to request every  
21 time you need, and so we will raise that issue with  
22 them because, you know, one may think you're being  
23 quite open by leaving it to the agency of the  
24 individual, but there are other pressures created.  
25 We also provide the products to LGBTQ individuals

2 through the LGBTQ unit, affairs unit, and we were  
3 informed that tampons are now purchased and so  
4 because of a request made by one of our incarcerated  
5 individuals. So, just--

6 COUNCIL MEMBER ROSENTHAL: [interposing]  
7 Just say that one more-- I couldn't quite hear you,  
8 Director. So, tampons have to be purchased, is that  
9 accurate?

10 EXECUTIVE DIRECTOR EBANKS: No, that  
11 this-- the jails purchase them, the system purchased  
12 them. The Department of Correction--

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 The system purchases tampons, right, but and then do  
15 they sell them in the commissary or do they give them  
16 upon request?

17 EXECUTIVE DIRECTOR EBANKS: No, my  
18 understanding, I was not clear that it was sold in  
19 the commissary. My assumption is that it has been  
20 distributed upon request.

21 COUNCIL MEMBER ROSENTHAL: I would  
22 double-check on that, and maybe ask for a list of the  
23 products available at the commissary. My  
24 understanding is that it's-- that is not the reality-

2 EXECUTIVE DIRECTOR EBANKS: [interposing]  
3 Okay.

4 COUNCIL MEMBER ROSENTHAL: for  
5 menstruating people at the jail system.

6 EXECUTIVE DIRECTOR EBANKS: We'll  
7 definitely follow up. Thank you.

8 UNIDENTIFIED: [inaudible]

9 COUNCIL MEMBER ROSENTHAL: Thank you.  
10 May I continue for just another minute?

11 UNIDENTIFIED: [inaudible]

12 COUNCIL MEMBER ROSENTHAL: Okay.

13 UNIDENTIFIED: [inaudible]

14 COUNCIL MEMBER ROSENTHAL: Well, it  
15 sounds like the Administration is being told one  
16 thing by the Department of Corrections as opposed to  
17 the reality that I'm hearing from the advocates who  
18 represent women in the jail system. Thank you.

19 CHAIRPERSON DIAZ: Thank you for bringing  
20 that to light.

21 COUNCIL MEMBER ROSENTHAL: Yeah.

22 CHAIRPERSON DIAZ: It doesn't make any  
23 sense to me.

24 COUNCIL MEMBER ROSENTHAL: Thank you. It  
25 doesn't make sense to anyone. Appreciate that.

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Similarly, Deputy Commissioner, if you could let me know, if we could dive into the details about the availability of menstrual products. You know, I'm sure these are outlier situations, but you know, I've heard many stories about people having to rip up t-shirts to use as pads in our homeless shelters, and I'm wondering if we could very specific. Like, do you have on the RFP, the Request for Proposals, an indication that menstrual products must be made available, and then is that part of your checklist, you know, as DHS goes around to see what's going on at each of the shelters? Is that on the checklist to look for menstrual products?

DEPUTY COMMISSIONER DRINKWATER: Sure, so

let me-- thank you for the question. I want to start by just acknowledging that when the introduction was first introduced it only covered families with children shelters and single adult women shelters as well as domestic violence shelters. Recognizing that we know that individuals menstruate across all of our shelter systems, we expanded the definition of temporary shelter in that bill for the A-version, which is a critically important for the agency and the work that we do to cover single adult men's



2 shelters, as well as our HASA shelters. In regards to  
3 the process, they do differ across the DHS system,  
4 the HASA system, and the domestic violence shelter  
5 system. However, pads and tampons are available at  
6 all of those locations. So the way that the agency  
7 does this work, we purchase the products from DCAS.  
8 Those products are then delivered to our warehouse,  
9 and then we deliver those-- excuse me, we make  
10 available to the shelters based on the census of the  
11 shelter. So that is a much larger count than  
12 individuals menstruating in the shelters. Those  
13 products are providing monthly. At DHS direct run  
14 sites, they are delivered. For non-direct sites,  
15 non-direct run sites, our provider sites we work with  
16 contractor to deliver those products and/or some  
17 providers will pick them up from the warehouse as  
18 they do with many products that are available at the  
19 DHS warehouse. We have signage across the shelter  
20 system indicating to clients that these products are  
21 available to them and how to go about getting those  
22 products should they need them. So, the products  
23 available. In terms of concerns around quality, we  
24 did do a review of complaints to our info line. That  
25 was not something that we were hearing, but I want to

2 encourage clients that they're having issues with  
3 access or quality of these products to please speak  
4 to the providers to call the ombudsman's office so  
5 we're made aware of that and we can address the  
6 issue. We want to make sure that products are  
7 available to clients and there's not barriers to  
8 access.

9 COUNCIL MEMBER ROSENTHAL: So, I love  
10 that answer, and I'm sure that is accurate. So thank  
11 you for that, and thank you for extending access to  
12 the other shelters. But it sounds like it's a  
13 complaint-driven system and that-- which is different  
14 than an intentional check every facility as part of  
15 the check list of how is this facility doing to check  
16 in about menstrual products. And so I'm just  
17 wondering is it on the list of things that you  
18 inspect for?

19 DEPUTY COMMISSIONER DRINKWATER: So, I  
20 can certainly follow up in terms of if there's  
21 language specific in the RFP. I know that's  
22 something that you asked, and then any spot-checks  
23 that the agency is doing at the shelters. I can  
24 follow up on that.

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COUNCIL MEMBER ROSENTHAL: So, I mean this will all due respect, but so-- so you're going to get back to us about whether or not it's required in the contract, and you're going to get back to us about whether or not that question is asked or, you know, information about that is collected on the spot visits.

DEPUTY COMMISSIONER DRINKWATER: So, I just want to be clear. So in terms of like the feedback loop we have with providers, providers--

COUNCIL MEMBER ROSENTHAL: [interposing] Yeah, no, it sounds like you--

DEPUTY COMMISSIONER DRINKWATER: [interposing] reordering procedures. But if a client has a complaint or a concern like the one that you raised in terms of, you know, the example of a client potentially using a shirt or other cloth materials, you know, that could be about access. It could be about quality. It could be about stigma, and we want to create an environment in which individuals come forward not only to request the items that they need and get support while menstruating, but have an environment tin which that stigma is decreased.

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COUNCIL MEMBER ROSENTHAL: Right, no, I get that. I guess what I'm saying is that when the person called my office, it was not the individual who experienced it. It was about a surprise that her 12-year-old daughter experienced and I'm not sure my office even knew-- I'm thinking back on it now, because I think I may have called you about it, but I'm not sure I knew even which shelter. So, I just want to get across that-- and maybe Director Ebanks will talk about this in the taskforce she's convening, that in-- there are situations where there's not a culture of support, and that perhaps that should be looked at. You know, I know you're looking at a million things, but-- and I'll try to remember which shelter--

DEPUTY COMMISSIONER DRINKWATER:

[interposing] Sure, any details would be helpful.

COUNCIL MEMBER ROSENTHAL: Yeah, but it is the problem of a complaint-driven system, that you know, especially on stuff like this. The same thing could be said about many other issues which society makes women feel embarrassed about, which is perhaps the most ridiculous-- and clear indication of a patriarchal world. But there it is. Lastly, and

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perhaps this is a question again for your taskforce director, but I'm wondering if you could look at it from the perspective of procurement as a mechanism to track spending on menstrual products, and I would look at both separately tampons and pads for each of the agencies. I mean, it sounds to me like if DHS is purchasing them and sending them directly to city-owned facilities and then having them available at warehouses, then it'd be pretty easy. I mean, it just strikes me as something that's pretty easy to identify as an OTPS product.

EXECUTIVE DIRECTOR EBANKS: Thank you for that, Council Member, and every agency can indeed tell you quantities purchased and procurement process. I think one of the things we struggle with is procured as Deputy Commissioner said, they have a distribution channel, a procurement process, a distribution process. Where we believe, and what I also think the Menstrual Equity Workgroup will do is look at that end user experience and how can we more directly link, you know, the procurement and distribution process to the end user experience so that it is a more satisfying experiencing and responsive experience.

2 COUNCIL MEMBER ROSENTHAL: Yeah, and it  
3 sounds like, if it all goes through-- apologies--

4 EXECUTIVE DIRECTOR EBANKS: No, no, go  
5 ahead. No.

6 COUNCIL MEMBER ROSENTHAL: If it all goes  
7 through DCAS, perhaps they just have a line item in  
8 their budget and that'll answer the question for the  
9 whole city. I don't know where DOE--

10 EXECUTIVE DIRECTOR EBANKS: It's one  
11 thing we certainly look at--

12 CHAIRPERSON DIAZ: [inaudible]

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 Yep, and I'm-- that's the end.

15 CHAIRPERSON DIAZ: No, we'll do another  
16 round.

17 COUNCIL MEMBER ROSENTHAL: No, thank you  
18 very much. And thank you, Chair.

19 CHAIRPERSON DIAZ: [inaudible] and then  
20 I'll come back with my questions back to DHS--

21 COUNCIL MEMBER ROSENTHAL: [interposing]  
22 Yep.

23 CHAIRPERSON DIAZ: [inaudible]

24 COUNCIL MEMBER LOUIS: Thank you so much,  
25 Chair Diaz, for holding today's hearing. Thank you,

2 Commissioner, and Deputy Commissioner for being here.  
3 Really quick questions. We're talking a lot about  
4 quantity. I want to talk about both quantity and  
5 quality, and as Council Member Rosenthal stated,  
6 we've had several conversations with agencies and  
7 with clients in the shelters and principals at  
8 schools regarding the quality of products, and I just  
9 wanted to know what considerations or changes are  
10 being made regarding age-appropriate products,  
11 especially through this pandemic. We know a lot of  
12 kids may be remote. A lot of kids may be-- students  
13 may be at school, but what are we doing about age-  
14 appropriate products in shelters as well in schools?

15 EXECUTIVE DIRECTOR EBANKS: At this time,  
16 I venture to guess from our stats it is-- we don't  
17 know about age-appropriate, but we know about heavy  
18 flow, wings, just the different types of sanitary  
19 napkins, but also tampons, so management of flow,  
20 things like that is what we're most clear on, and  
21 this is where I think it's a gap in what we collect  
22 now. Now, DCAS works with some of the agencies and  
23 some of agencies have a separate process. Everybody  
24 is willing to address any gaps identified as quickly  
25 as they're identified, and I think the beauty of our

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working group is that we will begin to document that, and also, we will have sharing of learnings and experiences, and so I think what it gives us as the law is launched, you know, as a city we're leading in the provision of these products. Now, I think we're leading in coordinating the management and the experience of the product, and this is what the hearing has given us the chance to crystalize, and so we hope that subsequently we'll have a fuller story to say, to tell and one that is readily infused with the end-user experience, and that we certainly are striving to be intentional in our service to New Yorkers regardless of gender identity, gender expression or background, and we want to be able to do so equitably.

COUNCIL MEMBER LOUIS: So, would it be DCAS to monitor and enforce particular sites based on everything that you just shared?

EXECUTIVE DIRECTOR EBANKS: I think it's not yet determined. I think we're going to--

COUNCIL MEMBER LOUIS: I think that's really important to know, especially during the pandemic, and we're dealing with students who are transitioning to being menstruating individuals--



2 EXECUTIVE DIRECTOR EBANKS: [interposing]  
3 Absolutely.

4 COUNCIL MEMBER LOUIS: We need to  
5 understand what that is during this time. So, if  
6 that could be included in the conversations that are  
7 being had, that would be helpful to ensure that one,  
8 quality, because I know that's something that's  
9 important, but two, that those conversations are  
10 being had now and that we know that. I'm going to  
11 jump a little bit quickly into still quality, but  
12 safer options. Now, granted people-- menstruating  
13 people need feminine-- need these products, right?  
14 But the quality may not be the best for everyone.  
15 Are they organic? Are they cotton? And usually,  
16 people that look like myself, usually will be given  
17 something that actually causes more harm as opposed  
18 to addressing the current problem. So I wanted to  
19 know if your agency or maybe DCAS is having  
20 conversations with maybe MWBE's or other companies  
21 about providing a more organic option.

22 EXECUTIVE DIRECTOR EBANKS: I'm unaware  
23 of that conversation, but we can check on that.

24 COUNCIL MEMBER LOUIS: If that could be  
25 considered, because we know that there's also another

2 fight, and this was a huge fight, to be provided with  
3 products, menstruation products, but then there's  
4 another fight of products being given to black women  
5 that actually cause more harm to our bodies, causing  
6 fibroids and things of that sort. And I know this  
7 is super innovative and this is super creative, but  
8 if we could consider an organic option to be given  
9 out to especially to young women who are  
10 menstruating, and may consider one day wanting to be  
11 birthing people in New York City, that this doesn't  
12 adversely affect them, giving them products that  
13 actually don't help.

14 EXECUTIVE DIRECTOR EBANKS: Absolutely.

15 COUNCIL MEMBER LOUIS: And the last  
16 question I have, if that's okay with you, Chairwoman.  
17 This is the last question, I promise. What is your  
18 agencies doing collectively or have you been thinking  
19 about how do you reach out to the immigrant community  
20 in making sure that they have access to menstrual  
21 products? And I ask this because most of the time  
22 when I hear from parents in my district or my  
23 surrounding districts in Brooklyn, they didn't even  
24 know that this was option to get free menstruating  
25 products for their kids, and then-- you know,

2 students are remote at the moment. So what's being  
3 done in order to have those conversations with  
4 immigrant communities?

5 EXECUTIVE DIRECTOR EBANKS: In the normal  
6 course of business we use multiple languages,  
7 signage, and also our social media channels. This  
8 clearly is an area where we need to improve. Nothing  
9 is more painful than to have a law that provides a  
10 wonderful services, and nobody knows it exists. So,  
11 I can commit here that we're really going to look at  
12 effective and frequent communication through the  
13 myriad channels that I think exist both within the  
14 school system, wherever the population needs it, and  
15 I think that's one thing-- I don't think, I know  
16 that's one thing the menstrual equity group will also  
17 focus on because we have this-- we were pioneering as  
18 a city in providing these resources. We need to be  
19 diligent in ensuring that it is fully accessed and  
20 utilized. Thank you for raising that as well.

21 COUNCIL MEMBER LOUIS: Thanks you.

22 CHAIRPERSON DIAZ: Before we move on, I'd  
23 just like to suggest for those that are-- the  
24 providers, perhaps the question is in the monitoring  
25 tool. If we cannot put it into the RFP, but the

2 monitoring tool or when the administrators are asking  
3 the clients when they do the room visits, just kind  
4 of just throw it in there as a conversation. But  
5 then also in reference to signage, from someone that  
6 has worked the system, I've never seen a poster or  
7 sign in the lobby, feel free to ask. And more  
8 horrifying, also reflecting on hearing the stories  
9 from the single women's shelters, we definitely need  
10 to make more effort and be a little kinder and  
11 gentler to our individuals that live in single  
12 shelters. So, I'd love to talk through Williams  
13 [sic] shelter and see that it's friendly and that  
14 it's available, not that everyone has to feel  
15 stigmatized by it. Moving onto your presentation,  
16 Ms. Erin.

17 DEPUTY COMMISSIONER DRINKWATER: I don't  
18 have testimony today.

19 CHAIRPERSON DIAZ: You don't have one?  
20 Okay.

21 DEPUTY COMMISSIONER DRINKWATER: Just  
22 here for Q&A.

23 CHAIRPERSON DIAZ: Okay. I didn't want  
24 you to prepare and then us cut it short because we  
25 just got into the muster, right?

2 EXECUTIVE DIRECTOR EBANKS: And if I may,  
3 I would like to add, Chair Diaz--

4 CHAIRPERSON DIAZ: [interposing] Yes.

5 EXECUTIVE DIRECTOR EBANKS: that  
6 individuals should feel free to reach out to the  
7 Commission on Gender Equity at  
8 [genderequity@cityhall.nyc.gov](mailto:genderequity@cityhall.nyc.gov), and so they should  
9 really see us also as a place where they can raise  
10 concerns. We will connect with our colleagues in the  
11 various agencies and work to resolution as well.

12 CHAIRPERSON DIAZ: Unfortunately, not  
13 many of us know that you exist. I didn't know of it  
14 until I came in last December.

15 EXECUTIVE DIRECTOR EBANKS: We totally  
16 understand that.

17 CHAIRPERSON DIAZ: I-- you know, no pun  
18 intended, but-- if you're a resource, we need to know  
19 that you're available and maybe we can be better  
20 partners in government in highlighting you're  
21 availability--

22 EXECUTIVE DIRECTOR EBANKS: [interposing]  
23 Sure, and that's I'm hearing it today, recognizing--

24 CHAIRPERSON DIAZ: [interposing] No, I  
25 thank you. Yeah, we have to figure out a way, a DHS

2 memo. Before I go to my second round of questions,  
3 Ms. Rosenthal, any questions? No?

4 COUNCIL MEMBER ROSENTHAL: Thank you so  
5 much.

6 CHAIRPERSON DIAZ: You're welcome.  
7 Farah, questions? We're going to get to COVID-19.  
8 I'd like to hear about the practices and lessons  
9 learned in how we continue serving New Yorkers during  
10 the pandemic when it comes to distribution of  
11 sanitary napkins at the pantries.

12 EXECUTIVE DIRECTOR EBANKS: We can get  
13 that information for you. I don't have information  
14 about that. We do know that it was provided and  
15 available, because one of the things we had to  
16 [inaudible] was to figure out what were the  
17 accessible points in communities that people could  
18 get to given the stay at home order, things like  
19 that. It seemed that the food banks became a central  
20 venue for that option.

21 CHAIRPERSON DIAZ: The food banks-- also,  
22 as we were giving out meals at the hubs--

23 EXECUTIVE DIRECTOR EBANKS: [interposing]  
24 Right.

2 CHAIRPERSON DIAZ: were they also made  
3 available?

4 EXECUTIVE DIRECTOR EBANKS: Yes, we were  
5 giving out at the schools.

6 CHAIRPERSON DIAZ: At the schools?

7 EXECUTIVE DIRECTOR EBANKS: At the  
8 schools where meals were made available at schools,  
9 DOE disseminated there.

10 CHAIRPERSON DIAZ: My understanding is  
11 the last day was September 10<sup>th</sup>?

12 EXECUTIVE DIRECTOR EBANKS: Yeah, because  
13 schools are now fully back in session, and they have  
14 their existing process where each building has a  
15 budget and custodial engineer is responsible for  
16 servicing that building regarding the needs, and so  
17 they have a budget to purchase the menstrual products  
18 and keep the bathrooms stocked now that schools are  
19 back in session.

20 CHAIRPERSON DIAZ: So, the guidance  
21 counselor perhaps-- the parent coordinator-- who at  
22 each school decides what menstrual products are  
23 purchased, and is that the reason why--

24 EXECUTIVE DIRECTOR EBANKS: [interposing]  
25 They--

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CHAIRPERSON DIAZ: [interposing]

[inaudible] they vary? I'm trying to figure--

EXECUTIVE DIRECTOR EBANKS: They-- they-- you know, I don't have a response in terms of what they-- who decides what products, except that there's a budget available to purchase dispensers, pads, tampons, and there's a catalog of products that custodial engineers access. This is the DOE process and with that they're responsible to keeping [inaudible] the restrooms stocked of these products. It does put a burden, we acknowledge, on students when the machines are-- the dispensers are empty, but we leave it at the local level for the buildings to stock the restrooms with the products.

CHAIRPERSON DIAZ: Should you perhaps in the near future provide myself, the committee, with samples of what the schools are actually purchasing?

EXECUTIVE DIRECTOR EBANKS: We can, sure.

CHAIRPERSON DIAZ: Please do, because I'm hoping that we can have some wings added and the quality, and I would love to know the experience of the individuals that are purchasing these items. Yes?



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COUNCIL MEMBER LOUIS: Chairwoman, I think that's part of the concern that we've been hearing for the last year and a half. I think-- well, two years now I would say. I think part of the issue is the janitor's making decisions.

CHAIRPERSON DIAZ: Right.

COUNCIL MEMBER LOUIS: There's no one else in the schools making the decisions. So I think when we're talking about enforcement and we're talking about monitoring, I think we need to consider other leaders within the schools that can actually help with decision-making, and actually hearing back from the students on what the actual needs are.

CHAIRPERSON DIAZ: Thank you. I have heard numerous times that the janitor is the one purchasing.

EXECUTIVE DIRECTOR EBANKS: And typically male.

CHAIRPERSON DIAZ: I mean, he may be a super dad and have experience, that's great, but it's still left to be seen. By chance, would you know as individuals during COVID were moved into hotels; were the hotels also supplied with the sanitary products?

2 DEPUTY COMMISSIONER DRINKWATER: That's  
3 right. So, throughout the pandemic, DHS made  
4 available a range of items, PPE. It also included  
5 making available menstrual products to those D-  
6 density [sic] hotels that the agency-- our providers  
7 were in.

8 CHAIRPERSON DIAZ: DO you know-- I mean,  
9 I guess just a random thought. Will we know-- is  
10 there data somewhere that we can-- I'd like to know  
11 that we don't have sanitary napkins sitting in a  
12 locker in a hotel somewhere. Is there any tracking  
13 at all, or we just-- we gave it away and on good  
14 faith thought it would be distributed, and similar to  
15 the process with DHS? You know, like as a provider  
16 we go and pick up from flat lands [sic]. Was that  
17 also how it was done for the hotels? How will we  
18 know if there was a need?

19 DEPUTY COMMISSIONER DRINKWATER: That's  
20 right. Yeah, that process remained the same in terms  
21 of how providers would go about getting those items  
22 while they were--

23 CHAIRPERSON DIAZ: [interposing] It was  
24 the same?

25 DEPUTY COMMISSIONER DRINKWATER: Yeah.

2 CHAIRPERSON DIAZ: Okay, thank you. Thank  
3 you for reminding me. We'll get back to that, the  
4 thousand dollars that we agreed was not enough. I had  
5 to download a calculator to my phone. I gave up. I  
6 was like-- I know I spend more than a thousand  
7 dollars. Do you happen-- so my budget question, as  
8 Ms. Rosenthal isn't here. So, I'll ask on her  
9 behalf. The question, fiscal 2022, do we have an  
10 idea of how much money has been spent? Tampons  
11 versus pads?

12 EXECUTIVE DIRECTOR EBANKS: Yes, we do,  
13 and I'm trying to make sure that I-- you know, I have  
14 data here. I just want to make sure that I am giving  
15 her the right entity. The Department of Corrections  
16 over-- has an annual spend on estimated annual spend  
17 on-- from FY 17 to FY 21 of \$15,823 on tampons,  
18 regular. We can provide this to you using-- they use  
19 Always Maxi Pads with wings. They have a size.

20 CHAIRPERSON DIAZ: Oh, they do? Nice.

21 EXECUTIVE DIRECTOR EBANKS: Yeah.

22 CHAIRPERSON DIAZ: Can we give it to all  
23 of these girls?

24 EXECUTIVE DIRECTOR EBANKS: This is DOC,  
25 it's very, very detailed. They provided an annual

2 cost over five years of \$82,000. This is a size two.  
3 There is an Always Maxi Pads with wings, size five,  
4 heavy. That has a lower annual cost of \$7,300. And  
5 then we have-- although this is discontinued, there  
6 was an expense around generic sanitary pads, but now  
7 discontinued, at \$29,000. So--

8 CHAIRPERSON DIAZ: [interposing] The  
9 generic pads?

10 EXECUTIVE DIRECTOR EBANKS: Yes, but it  
11 has now been discontinued.

12 CHAIRPERSON DIAZ: Do we also know that  
13 the generic pads are likely not to be hypo-hygienic?

14 EXECUTIVE DIRECTOR EBANKS: We have no  
15 idea, but DOC has discontinued that, and I'm going to  
16 try to find-- I don't have-- hold on a minute. I  
17 think DOE is looking at annual costs of \$116,000.

18 CHAIRPERSON DIAZ: \$160,000?

19 EXECUTIVE DIRECTOR EBANKS: Sixteen, 116.  
20 But I will-- actually, these may be six months, six  
21 month cost. So, I will confirm with DOE to get  
22 annual costs.

23 CHAIRPERSON DIAZ: Does anyone monitor  
24 when a product has been discontinued and the reasons  
25 to why? Meaning, I bought-- it was a sale, Amazon,

2 Groupon, however I got it. I bought six boxes, and  
3 now after I purchased them I learned it is an issue  
4 with the company, so I'm going to trash it. But I'm  
5 wondering what's your process if anyone has that  
6 follow-up.

7 EXECUTIVE DIRECTOR EBANKS: We can  
8 certainly investigate that further per agency--

9 CHAIRPERSON DIAZ: [interposing] Okay.

10 EXECUTIVE DIRECTOR EBANKS: but, you  
11 know, I would think one of the things certainly  
12 influencing it is reports of dissatisfaction from  
13 users.

14 CHAIRPERSON DIAZ: Okay. I think that  
15 would speak to the question Ms. Louis had earlier.  
16 Can you-- just for clarification. We're all friends  
17 here. Generic pad would mean maybe one thing to me  
18 and to you something else. So, me-- generic pad to  
19 me is a no-brand.

20 EXECUTIVE DIRECTOR EBANKS: With-- I am  
21 simply reporting that at one point they used what  
22 they called generic pads, which means that it would  
23 not have been affiliated with a particular brand.

24 CHAIRPERSON DIAZ: Okay. No frills.

2 EXECUTIVE DIRECTOR EBANKS: Versus the  
3 other categories was very specific that they use  
4 Always as the brand. So, there's-- at one point, the  
5 Department of Corrections eliminated the use of  
6 generic sanitary pads. I can't speak to the-- link  
7 to brand pads and tampons. So, with tampons they're  
8 using Tampax, and with sanitary pads they're using  
9 Always.

10 CHAIRPERSON DIAZ: What drew you all to  
11 make that decisions? It was-- why?

12 EXECUTIVE DIRECTOR EBANKS: I don't have  
13 the rationale here.

14 CHAIRPERSON DIAZ: We don't have the why.

15 EXECUTIVE DIRECTOR EBANKS: I don't know  
16 what the-- what information they had that shifted the  
17 purchase,--

18 CHAIRPERSON DIAZ: [interposing] Okay.

19 EXECUTIVE DIRECTOR EBANKS: the behavior.

20 CHAIRPERSON DIAZ: Do we have just an  
21 idea-- I don't expect you could have the answer for  
22 me, but I would love to know. Per pad, what are we  
23 spending? I don't--

24 EXECUTIVE DIRECTOR EBANKS: [interposing]  
25 Because you know, they're not--

2 CHAIRPERSON DIAZ: [interposing] Per  
3 agency--

4 [cross-talk]

5 EXECUTIVE DIRECTOR EBANKS: [interposing]  
6 They're not--

7 CHAIRPERSON DIAZ: We can at least-- so  
8 folks that are incarcerated, we could bring it down  
9 to one agency--

10 EXECUTIVE DIRECTOR EBANKS: [interposing]  
11 Yeah.

12 CHAIRPERSON DIAZ: because you have  
13 numbers to that.

14 EXECUTIVE DIRECTOR EBANKS: We can find  
15 out, because they're purchased in cases, right? So  
16 like a case of 500, but we can-- we'll do the math  
17 and get back to you.

18 CHAIRPERSON DIAZ: Okay. I mean, because  
19 this is a Tampax product and so is this.

20 EXECUTIVE DIRECTOR EBANKS: Yeah.

21 CHAIRPERSON DIAZ: And they both claim to  
22 be regular and they're not. One is more efficient  
23 than the other by my standards. So it would be  
24 important to see what's being thought of. Oh, okay,  
25 wow, great. In reference to spending, do you see--

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or you saw that you had to increase spending. Did you have to make a budget modification to ensure that the food hubs were able to receive the-- the food pantries, or was it as simple as looking at stock and saying children are not in schools, we could do this way, and regularly. My understanding population is shelters have gone down a little bit. Were we able to just move? And then also as we have individuals that are out, that are living in the street, do we have a system in place when we go provide urgent care to have them available? That was kind of two questions.

DEPUTY COMMISSIONER DRINKWATER: So, I'd

happily take the second question. In regard to making products available to individuals who are experiencing homelessness on the street, our street outreach teams do have menstrual products available to them. So it's not that we're directing clients to go to an external party like urgent care, for example. Those products are made available directly to them through the work of our outreach teams.

CHAIRPERSON DIAZ: Thank you.



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EXECUTIVE DIRECTOR EBANKS: And in the case of during COVID-19 and linking to food hubs for DOE--

CHAIRPERSON DIAZ: [interposing] Yes.

EXECUTIVE DIRECTOR EBANKS: the first order of business was taking care of the stuff that was already on hand and distributing that through the process so that we-- we've sort of been working remote-- they have been working remotely for about two years. It was important to consume or use what was already purchased on hand. So that was their priority through the process and distribute that.

CHAIRPERSON DIAZ: Interesting. I'm just hoping that the glue that's used, the adhesive, rather-- alright, because we know we leave something, a shelf life, it's only going to have so much shelf life. So maybe we can send a memo, a thought-- I know within the food industry when a case comes in a date is put on it, so I'm hoping that the janitor who maybe has never experienced having to buy sanitary napkins or knows that the adhesive lasts for so long though, so they have to be discarded, or at least warn the child or whoever is receiving them to practice some caution.

2 EXECUTIVE DIRECTOR EBANKS: I think that--

3 CHAIRPERSON DIAZ: [interposing] The fiber  
4 may be good, but not the adhesive.

5 EXECUTIVE DIRECTOR EBANKS: And I think  
6 that was certainly one reason why it was important to  
7 use what was already on hand.

8 CHAIRPERSON DIAZ: Oh, okay.

9 EXECUTIVE DIRECTOR EBANKS: And ensure  
10 that it was distributed and not remaining for what  
11 turns out to be two years, right? So, that--

12 CHAIRPERSON DIAZ: Great, great. Thank  
13 you. Is there a system in place that for year-- year  
14 to year we're able to track need. So, in 2019, it  
15 was odd year, but prior to 2016 to now have you had a  
16 need to actually increase in funding to be able to  
17 supplement the need, is that-- makes my question a  
18 little more.

19 EXECUTIVE DIRECTOR EBANKS: I think we  
20 probably use a general sense of, you know, each  
21 agency as the guide, and so I think probably could it  
22 be done differently. That's something we would  
23 investigate in our working group, but right now I  
24 think census becomes the base, and as the Deputy  
25 Commissioner stated, using the whole census of a

2 shelter system. Not everybody there menstruates, so  
3 you're kind of budgeting higher than the population.  
4 I don't know if you have anything else to--

5 DEPUTY COMMISSIONER DRINKWATER: Yeah,  
6 so, our expenditure in DHS in FY17 was higher than  
7 what it was in FY21, and part of that has to do with  
8 as the Director stated, our initial orders are based  
9 off of census and then providers are re-ordering  
10 based on their supply needs. So those budget  
11 adjustments do get made a six-months periods based on  
12 the orders that we're making and then the monthly re-  
13 orders that providers are making as they need to re-  
14 establish their supply.

15 CHAIRPERSON DIAZ: Definitely interesting  
16 question. I hope-- I'm interested in hearing your  
17 answer, because I don't know how you would come  
18 across these numbers if you had to. In reference to  
19 the demographics of who's actually using the products  
20 and maybe-- one way I would use to determine is  
21 community-based, right? Do you have a need more so  
22 in the 37 councilmatic districts which we know  
23 financially there's definitely some-- we lack  
24 resources as opposed to, you know, somewhere else

2 that's in Park Slope. Do you see a higher demand or  
3 request at any time?

4 EXECUTIVE DIRECTOR EBANKS: Yeah, we  
5 don't have that information at this time, but it's  
6 something that we could look into per agency as we--

7 CHAIRPERSON DIAZ: [interposing] I was  
8 interested in knowing what the need is and if we have  
9 to allocate, reallocate some of the funding, it's a  
10 great opportunity to do that. Again, one of those  
11 questions that I'd be impressed if you have an answer  
12 for. Do you have a goal of how many individuals  
13 you'll like to serve in a year?

14 DEPUTY COMMISSIONER DRINKWATER: I mean,  
15 the agency's goal is to be able to provide the, you  
16 know, services that clients need across the board,  
17 whatever that might be, and so I think in terms of  
18 the signage, making sure that clients are aware that  
19 these products exist for them to gain access to,  
20 creating a safe environment for conversations to be  
21 had around menstruation, whether it be for a child or  
22 the individuals themselves, and irrespective of the  
23 type of shelter that a client is placed in, that  
24 that's the experience that a client has.

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EXECUTIVE DIRECTOR EBANKS: You know, and I just want to underscore that, that as you know, as a city we're here to serve New Yorkers. so part of our challenge is really unearthing the need, which is how do you communicate that this resource is fully-- is available to ensure that we have the majority of the individuals who need it, knowing that it's available, and being able to access it. And I think that's something, you know, we can certainly do better on, because it would give us a true cost to the issue of mental equity will help us identify the gaps. We know we're meeting some needs. We know we're not likely to have met all, and so again, I just want to talk about this working group mechanism, that this hearing has caused us to create as a-- it's a catalytic force for us to do deeper work around this and to really deepen the impact or extend the impact of the laws that were created.

CHAIRPERSON DIAZ: Thank you. Thank you for your answers. Do we have someone that wants to-- Thank you for your testimony.

EXECUTIVE DIRECTOR EBANKS: Thank you so much.

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CHAIRPERSON DIAZ: Looking forward to your feedback. Our next panelists, thank you. Thank you for waiting. Somewhat intense. Ms. Jennifer Weiss-Wolf, the Brennan Center. Thank you for being patient with us. We look forward to hearing from you today.

JENNIFER WEISS-WOLF: Hi, nice to be here. I'm so glad you're doing this. I'm so thrilled to have listened to all of this information. I have notes that I almost don't need, because I'm kind of feeling responsive to everything that I just heard. So you may know that I was involved in this law from the start with--

CHAIRPERSON DIAZ: [interposing] Yes.

JENNIFER WEISS-WOLF: then Council Member Julissa Ferreras-Copeland back-- we met in March 2015 which was when the New York City laws were first hatched. Beyond getting into these really important questions about implementation, I think just for a bit of reflection, it's important to remember that back when we started talking about this and back when New York City started taking action, nobody else in the country was doing this. The laws that were passed here Local Law 82, 83, and 84 were the first

1 of their kind in the world. New York City was the  
2 first jurisdiction in this country to use the frame  
3 and the phrase of menstrual equity to consider the  
4 different ways public agencies could ensure that  
5 menstruation wasn't something that was excluded or  
6 otherwise kept people from being full active  
7 participants in our city and in our democracy, and it  
8 has set the standard for the world. There are now  
9 multiple major cities, over 20 US states, including  
10 New York State, and other nations that have taken on  
11 this issue led by New York City's example. So I  
12 think that's really an important place to start. I  
13 recognize that implementation and execution of these  
14 laws is really serious question right now, and I'm  
15 actually just kind of overwhelmed and thrilled to  
16 hear the level of questions and answers that are  
17 being exchanged over how to ensure what New York City  
18 set out to do is actually achieved. But I do think  
19 it's important to remember that when New York City  
20 did this it was novel. The laws as they're written--  
21 it's funny, I would rewrite them now. I've seen how  
22 they've worked in other places. I've seen how they  
23 haven't worked in other places. I've seen how our  
24 country and how the world has warmed to this issue  
25

2 and this policy agenda, and also I think our  
3 collective understanding of the kinds of inequities  
4 that plague us have become all too crystal clear  
5 throughout the pandemic, and that all lends itself to  
6 constantly recalibrating and reimagining what  
7 menstrual equity can look like in our society. So I  
8 had written actually a bunch of notes with questions  
9 about implementation, and I say this as a policy  
10 advocate and an attorney, not somebody who's boots on  
11 the ground, not somebody who's deeply connected in  
12 communities, but often hears feedback from email and  
13 questions that come my way. And so I absolutely  
14 heard anecdotally that implementation is a problem in  
15 the three agencies, and I think that the phrase that  
16 was used before by the other Council Member who was  
17 here about complaint-driven action or activity--

18 CHAIRPERSON DIAZ: [interposing] Yes.

19 JENNIFER WEISS-WOLF: Yeah, is a really  
20 important way to frame it, because whether it's a  
21 request or a complaint or a concern, we cannot have  
22 laws that rely on the most-marginalized and the least  
23 powerful having to make their demand. It needs to be  
24 the other way around in every way. So, my comments  
25 that I have written about implementation I think are



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things that sounds like that you're already in tuned to, and I will be grateful to participate in any way as you consider how to improve implementation and how to improve execution, and also to help make the connection with not just other grassroots activists here in New York City, in New York State, but around the country and around the world that are grappling with the same. All of us, I think, are in a different position and place than we were in 2016 when these laws first, you know, saw the light of day, and we should benefit from and utilize that collective knowledge, even if things look different in Los Angeles and things look different in a rural town in West Virginia. Menstruation is utterly universal, and I think that as the Commission formed and considers these questions, bringing in our fellow New Yorkers is very important. I think it's also important to bring in folks who are doing this around the country to get their feedback. Some of things, though, that I'll say that I think are different just about the world now and that New York City would be wise to include and consider as it, you know, reimagines how these laws work are to broaden the scope of public agency reach. So when these laws

2 were passed in 2016, the DOE and DOC and Department  
3 of Homeless Services were the three agencies quite  
4 frankly that were most willing to engage on this, but  
5 there are surely other public agencies in public  
6 facilities in New York City that would benefit from  
7 ensuring menstrual access, whether it's our  
8 libraries, whether it's our parks, whether it's our  
9 public buildings. I didn't go in the bathroom here  
10 to check what the situation is in City Hall, but  
11 whether it's dentists offices, whether it's the  
12 ability to use public ID to ensure vouchers or  
13 discounts on menstrual products I think that there's  
14 a wide variety of creative outlets that New York can  
15 and should consider. In doing so, it wouldn't be as  
16 necessarily as groundbreaking as it was in 2016  
17 because there are already other jurisdictions doing  
18 things like that, but again, New York City I think  
19 putting them together and acknowledging that  
20 menstrual access in this lens of menstrual equity,  
21 looking at all our laws through this lens is what  
22 makes it special, and is what made these laws  
23 special, and I think that would be a way that New  
24 York City would also, once again, you know, be at the  
25 vanguard and show the rest of the country how this

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can be done and how this can be done well. I want to share a couple of other anecdotes that I've received and written about over the past year and especially during the pandemic. One was the situation that-- the circumstance that you spoke of earlier about the meal hub providing menstrual products when the schools close, I think it's just worth noting that in the complaint paradigm here, it was kids who brought it to the city's attention. There was two teenagers in Queens, and they were covered in NBC News and I had worked with them. They were the ones who raised the fact that the schools were closed, and presumably the menstrual products were inside and they were outside. So, again, I think just remembering some of the genesis of this is an important piece of the conversation. But another story that came my way, and I wrote about it in 2020, was somebody who was arrested during the initial protests after George Floyd was murdered and was denied menstrual products while in police custody, and was left to basically, with cuffs on her hands, have somebody help her to take out a tampon. She got no replacement for it. So from there on, she had to just bleed on the floor, and this was in a room with, you know, however many

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other people-- many, as she told it, were jammed into the room. Wasn't like she got a private restroom or a place to actually go take care of this, and this was somebody who was arrested for peaceful protest. So, I think that, again, collecting those stories and remembering that just the public agency paradigm on which we've come to rely, you know, Corrections, Education, and Homeless Services isn't enough. It intersects with every aspect of our lives, whether we are on the streets, whether we are in the park, whether we are in public library, whether we were just, you know, going about our business in every which way. So I would just urge the City Council and the Administration and everyone who is so thoughtfully considering this, and again, I'm kind of over the moon thrilled to hear the level of discourse and Q&A and back and forth on it, because I've not been privy to any of that and these laws that I feel very proud of and protective of to some extent. Implementation is as important as passage, maybe if not more so at this point.

CHAIRPERSON DIAZ: I'm glad we've been able to provide an opportunity to be engaged and more hands-on and see what your efforts have led to.

2 JENNIFER WEISS-WOLF: Yeah, no, it's--

3 CHAIRPERSON DIAZ: [interposing]

4 Definitely.

5 JENNIFER WEISS-WOLF: It's kind of nice  
6 the casual nature of this. Sorry, I'm going to say  
7 it's pretty cool.

8 CHAIRPERSON DIAZ: It is cool, of course.

9 JENNIFER WEISS-WOLF: But and then the  
10 last thing I want to just share, I imagine folks  
11 followed the news out of Scotland last year when  
12 Scotland passed it's Free Period Products Law, and it  
13 was kind of humorous to me at the time that Scotland  
14 was heralded as the first nation in the world to have  
15 such a law, which in fact it is, but I would always  
16 remind everybody that Scotland is half the size of  
17 New York City. So, you know, just to turn attention  
18 back to this incredibly, large, diverse, beautiful  
19 jurisdiction where we-- where, you know, the  
20 standards I think really were first laid. But what  
21 Scotland did, which is I think exceptionally creative  
22 and meaningful, especially in light of all the  
23 discussion that was had prior, is they acknowledged  
24 that the frame "period poverty" is almost a faulty  
25 frame, that it's not always just economic detriment,

2 although that is a huge component. But it can be  
3 everything from lack of education from lack of safety  
4 in one's life, whether it's as a victim of domestic  
5 violence or a person who is trans who does not feel  
6 safe on the streets or in the agencies that are there  
7 presumably to serve them, and then with COVID as the  
8 extra layer of lack of access, people who can't leave  
9 their houses, where safety nets were strained and  
10 social service agencies didn't run as planned or had  
11 to run, you know, with all kinds of modifications.  
12 The way Scotland has addressed this is by creating a  
13 voucher system, and the voucher--

14 CHAIRPERSON DIAZ: [interposing] Okay,  
15 where did you say the voucher system was created?

16 JENNIFER WEISS-WOLF: Scotland. In  
17 November 2020 the law was passed and it went into  
18 effect in early 2021, and it's in the early-- they  
19 also have a free period products in schools,  
20 standalone legislation, but the voucher system is  
21 new, and it would be probably an extraordinary  
22 experience to connect the City Council with the  
23 members of Scottish Parliament who spearheaded that,  
24 but they're terrific women and very accessible, but I  
25 think that that was something that was considered by

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at least the City Council Member and I back in 2015 when we first started talking about this. We considered perhaps the City's free ID could be used as a partial voucher system for menstrual products. So, I just throw that idea out there again to say if New York can do it, everybody would do it, and that it sort of gets around some of these implementation questions and also the questions of power dynamics and the lack of agency often felt by those who are most marginalized. It gets to the questions of even the quality of products that were asked prior, that people would have their own choice to purchase what they want. So I put that out there as an idea that's still sort of in formation, but is being considered and already underway in other countries, and again, feel such pride that New York City and New York State have been such-- so much at the vanguard of this issue that I have no fears about saying New York City should keep doing that and continue in that role. But away, those are the thoughts that I came here to share this morning. As somebody who's been involved in this issue for many years now and helping legislators around the country frame and pass legislation, not again involved generally in

2 implementation. That's the perspective I bring to  
3 you all and the offer to continue to help advance  
4 that here in New York City. So, those are my remarks  
5 for this morning. Happy to answer any questions you  
6 have, but I thank you for holding this hearing, and I  
7 thank you for allowing me to share some of my  
8 uncensored thoughts, not the ones I wrote down, and  
9 I'm really thrilled to continue to support New York  
10 City in this effort to ensure menstrual equity for  
11 all and to lead the country and the world.

12 CHAIRPERSON DIAZ: Well, it's I that  
13 thank you for your efforts and for taking our time to  
14 be here today and to share with me at New York City,  
15 letting us know that other countries, other states  
16 have moved forward on the conversation that's here.  
17 I'm eager to hear on how all the states are  
18 implementing the process. I'm sure we can learn from  
19 each other. So, again, thank you for your  
20 participation. Definitely will follow up on the  
21 voucher system, because as I was hearing earlier,  
22 [inaudible] that testified, I was wondering what was  
23 our process and if we had a process or thought for  
24 allocating funds to benefits. How do we know--  
25 looking to see how we could improve the process. Not



2 everyone that is in need of sanitary napkins goes to  
3 a food hub or goes to a pantry, and as we know, HRA  
4 benefits are limited and not necessarily has anyone  
5 thought that we would have to have added some  
6 feminine products to individuals' budget. So I'm  
7 definitely glad to have heard from you today. Thank  
8 you.

9 JENNIFER WEISS-WOLF: And I'll just add  
10 one more sidebar quickly, that I have a new piece  
11 that's going up this week that's urging Congress in  
12 the throes of the planning around the 3.5 trillion  
13 dollar budget and the reconciliation process to  
14 please include menstruation and all of its  
15 considerations, especially given that it has been so  
16 focused on the plight of mothers during the pandemic,  
17 that mothers, too, are people who menstruate who  
18 often have children and family members who  
19 menstruate, and as President Biden even single-  
20 handedly increased the amount of SNAP benefits that  
21 goes into effect in October.

22 CHAIRPERSON DIAZ: They've improved--

23 JENNIFER WEISS-WOLF: [interposing]

24 Thirty-six dollars--

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CHAIRPERSON DIAZ: [interposing] Ninety dollars and now it's 45 dollars is going to continue?

JENNIFER WEISS-WOLF: It's going to be up by 36 dollars starting in October, but it would be thrilling if we could have a similarly-- considered expansion to include menstrual products--

CHAIRPERSON DIAZ: [interposing] I agree.

JENNIFER WEISS-WOLF: that doesn't require having to negotiate--

CHAIRPERSON DIAZ: [interposing] I agree.

As I've been sitting here today I'm trying to figure out how.

JENNIFER WEISS-WOLF: Yeah, I won't-- won't [inaudible] to the microphone.

CHAIRPERSON DIAZ: Great, thank you.

JENNIFER WEISS-WOLF: Thank you.

CHAIRPERSON DIAZ: Do we have anyone else that's testifying today? This ends the hearing today. We conclude. Thank you for those that participated. Thank you.

[gavel]

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COMMITTEE ON WOMEN AND GENDER EQUITY

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 October 6, 2021