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Testimony of Manhattan Borough President

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Before

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Good morning. I want to thank Chairman Vallone and the Public Safety Committee for the opportunity to testify here today. More so than most major cities in the U.S., New York faces daunting threats to public safety on a daily basis. I applaud the City Council's Public Safety Committee and the New York Police Department (NYPD) for their ongoing commitment to protecting residents, workers, and visitors to our fine city. I am, however, concerned that in its current form this bill is too broad and will unfairly obstruct the independent collection of scientific data.

The stated purpose of this legislation is to avoid "excessive false alarms and unwarranted anxiety that a large-scale public emergency may be occurring." But I cannot think of any evidence or events from our recent past involving "false alarms" that would create any urgency for this sweeping legislation. If Manhattanites have any "anxiety" related to this bill, it is the very warranted anxiety that residents have about their air quality. In the aftermath of the World Trade Center attacks, residents and workers were repeatedly lied to about the quality of the air they breathed by government agencies, and therefore, any concern about maintaining the right to independently test the air is certainly far from "unwarranted." Had Intro 650 been in place in 2001, it is possible that we would still not have an accurate understanding of air quality downtown.

When two of our City's bravest fell on August 18, 2007 at 130 Liberty Street, the former Deutsche Bank building, I saw firsthand many residents' fear, frustration, and distrust in government authorities. The local community board had repeatedly expressed concern about the building's mismanagement, and outrage at the subsequent fire exacerbated fears that testing had been improperly conducted. I applaud the governor, the mayor, the Lower Manhattan Development Corporation (LMDC), and the Environmental Protection Agency (EPA) for recognizing this legitimate concern and for going to great lengths to reassure the community of the efficacy and comprehensiveness of their testing. We have every reason to believe that the

government fulfilled its role in adequately testing the air quality after the 130 Liberty Street fire. Nonetheless, residents should also be empowered to hold the government accountable and confirm for themselves, in a timely fashion, that their air is free of hazardous chemicals.

While I believe that your aim is to protect New Yorkers, the legislation before you today could undermine an important check on government. I would hope that the City will support the many independent entities that are working to protect residents and promote the health of our families and children. If enacted, would we have the absurd result of making it illegal for parents to test whether their kids are being exposed to second hand smoke, mold, radon or other common pollutants unless they first get a permit from the City? How about air quality testing by environmental advocacy groups in East Harlem, prompted by alarming statistics that children in El Barrio have the highest asthma rates in the nation? The Police department has expressed its intention to use its discretion to ensure that the bill does not include certain safety devices already in use in residences, work places, and municipal buildings across the City. Until these exceptions are listed in the bill itself, however, its passage will threaten citizen rights that should be maintained without government intervention. Moreover, it is important to vigilantly avoid sweeping restrictions that may undermine public freedom and add unnecessary red tape. Whether it intends to or not, this bill will squelch the city's environmental advocates and concerned residents, without regard to civil rights.

Thank you again for the opportunity to testify today.