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Gale A. Brewer, Borough President

**Gale A. Brewer, Manhattan Borough President
Testimony for the Committee on Environmental Protection
September 8, 2015**

Good morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you to Chair Constantinides and the members of the Environmental Protection Committee for the opportunity to testify today.

As a member of the City Council, I worked to pass Local Law 38 of 2008 to prohibit the practice of businesses propping open their doors while operating their air conditioning or central cooling system. The current law only applies to those businesses that are either larger than 4,000 square feet or are part of a chain with five or more locations. Violators are to receive a written warning upon first offense, and shall be liable for a \$200 fine for each open door or window upon a second violation.

Following a series of summers marred by blackouts and brownouts across the five boroughs, this measure presented a common sense approach to reducing electricity usage and preventing energy abuse. I would especially like to recognize Eric Goldstein at the Natural Resources Defense Council and Clyde Haberman, formerly a reporter at the New York Times, for their tireless advocacy on this issue.

After the law went into effect, my councilmanic office developed an informational flier for businesses in my upper West Side district which were distributed by me, my staff and volunteers. This type of proactive education and outreach is essential and after bringing the law to the attention of the store managers, most complied with the law.

Each warm weather season though, my office would be contacted by constituents complaining of the pattern of disregard displayed by some of our city's large retailers, especially on Fifth Avenue, south of Central Park and along 34 Street between 5th and 7th avenues. There my staff and I would witness a myriad of businesses keeping their doors open on hot days, wasting energy and breaking the law with seemingly little to no enforcement by the City Department of Consumer Affairs.

This year the Department of Consumer Affairs, to the credit of Commissioner Julie Menin, has made the most significant efforts to date in enforcing this law through education, inspections and the issuance of violations where appropriate. Int. 850-2015 embraces the same environmental mindfulness by proposing to expand the current law to apply to small stores (retail or wholesale establishments under four thousand square feet) and also requiring that stores which are part of a chain post a notice on each door stating that violations may be reported to 311.

Open door policies epitomize pointless waste at the cost of the common good, and the law prohibiting them should be expanded to cover all businesses. But prior to enforcement actions against small businesses in particular the City should undertake a comprehensive education campaign utilizing multiple languages, various forms of media, and door-to-door outreach to communicate about the law before violations are issued.

Thank you again for the opportunity to testify. City organizations must work together to protect the environment and I urge the Committee to vote in favor of the bill.