



ORGANIZATION OF STAFF ANALYSTS

220 EAST 23rd STREET - SUITE 707
NEW YORK, NEW YORK 10010
TEL.: (212) 686-1229 • FAX: (212) 686-1231
WEB: WWW.OSAUNION.ORG
HOTLINE: (212) 330-8833

EXECUTIVE BOARD

OSA

Chairperson

Robert J. Croghan

Vice-Chairperson

Tom Anderson

Treasurer

Richard Guarino

Grievance Officer

Kimberly Vann

Corresponding Sec'y

Jeanne O'Sullivan

Recording Secretary

Jay W. Warshofsky

Delegates at Large

Ronald Lehman

Dolores Parson

Wilfred St. Surin

OSART

Chairperson

Robert J. Croghan

Vice-Chairperson

Alfred Milton

Treasurer

Michael Falzarano

Grievance Officer

Sandra O. Thompson

Corresponding Sec'y

Sherman Gould

Recording Secretary

John Harper

Delegates at Large

Barry Mandel

Alice Moise

Edward Price

Executive Director

OSA/OSART

Sheila Gorsky

Ex Officio

Willie Bowman

Elizabeth D'Aversa

Joan Doheny

A. William Douglas

Marzie Eisenberg

Stephen Gregor

Robert Hershkowitz

John Mazzarella

Maude Oliver

Mary Ellen O'Connell

Michael Schady

Josephine Valentin

Jessica Woodcock

Testimony of Robert Spencer, Staff Representative
Organization of Staff Analysts

Before the Committee on Public Safety, New York City Council
Hearing on Proposed Int 650-A: A Local Law to amend the administrative code of the city of
New York, in relation to biological, chemical and radiological detectors.
City Hall Committee Room, April 29, 2008

I'm Robert Spencer, a staff representative of the Organization of Staff Analysts, a municipal workers union representing some 4,600 active and 1,400 retired employees of the City of New York and related employers. Thank you Chairperson Vallone and members of the committee for allowing us time to present our views today.

I am here today to speak on behalf of our union in total opposition to Int 650-A, legislation which would grant the New York City Police Department broad new powers in regulating environmental testing. We wrote to the chair and members of this committee on January 16, 2008 in opposition to an earlier version of this bill and we remain opposed, in spite of the fact that a range of exceptions have been introduced in the latest version of the bill.

The Police Department has argued that the purpose of the bill is to improve the safety of New York's citizens by preventing false alarms and unnecessary anxiety in response to reports of exposures to CBRN (chemical, biological, radiological and nuclear) agents. The NYPD has yet to identify even a single instance where a false alarm of exposure to CBRN agents has caused unnecessary anxiety or panic among New Yorkers.

Rather, we believe the effect of the bill will be to make New York City residents less safe by blocking access to essential public health information, especially in times of emergency. We believe that it will infringe upon citizens' First Amendment rights which surely include the right to measure their environment and report and share that information publicly, whether they do so as professionals or as interested private citizens.

We believe that a permitting scheme as proposed in this legislation will have a chilling effect even on those exempted from the bill's requirements and will create a new arena for police-community misunderstanding as police officers are forced to determine on-the-spot whether a monitoring device and the reason for its use fall under the requirements of the permitting process.

It also unnecessarily brings the Police Department into the sphere of public health.

Our union has been involved, in the aftermath of the attacks on the World Trade Center, in dealing with the impact on New York's citizens of the extensive misrepresentations about air safety made by federal and city agencies in the weeks after 9/11.

[continued, over]

Without independent monitoring, the truth about the level of toxic substances released on 9/11 might never have been known.

Protecting the right of individuals to measure their environment and to report their findings should be the goal of this Council. Creating a permitting regime that hinders the free exchange of information should not.

We urge you to withdraw Int.650A and recognize the fundamental flaws in the very conception of this bill. Thank you.