



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

**Testimony of Manhattan Borough President Scott M. Stringer**

**Before the New York City Council Committee on  
*Before***

**New York City Council Public Safety Committee**

**April 29, 2008**

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Good morning and thank you Chairman Vallone and members of the Committee for the opportunity to testify here today on Intro 650-A, and the use of biological, chemical and radiological detectors in New York City.

I first want to commend the New York City Police Department for its unparalleled work in protecting the public. Residents of New York City and the people who come here every day to work and to visit owe you an enormous debt of gratitude. There is no intention on my part to discount the reality of terrorism which the NYPD confronts on a daily basis, or the harm that that could be done by disseminating false information about a terrorist attack. I also appreciate the time that the NYPD and the City have taken to work with advocates, such as the New York Committee for Occupational Safety & Health (NYCOSH) and the many other environmental groups here today, and elected officials to address many of the concerns initially raised about this bill.

Yet for important matters of principle and precedent, I must continue to oppose the legislation being considered by the Committee.

In order to guard against the speculative and hypothetical danger of false alarms, Intro 650 would impose a number of large and unacceptable costs on our proud tradition of citizen activism regarding public safety.

The NYPD knows better than any agency the value of public vigilance in keeping our City safe. In explaining its support for Intro-650, the NYPD has cited numerous ways in which it has engaged the public, including: a terrorism hotline; training in terrorism awareness for community groups; and the NYPD SHIELD program. Every subway rider is familiar with the “if you see something, say something” ad campaign.

This reliance upon citizen engagement for our public safety taps into the finest traditions of American patriotism, dating back to April 1775 and the midnight ride of Paul Revere alerting the people of Lexington and Concord to the advance of British troops.

My concern and the concern of many citizens and public interest groups is that Intro 650 – even with the amendments that have been made – marks a fundamental departure from this proud tradition.

This bill elevates fear of bad actions that we have yet to witness above our trust in the best civic impulses of New Yorkers. If you pass this legislation, along with the safeguards you erect against false alarms will come heavy burdens on the citizen policing that has served New York City so well over the past six and a half years.

As I said when I testified before this Committee in January, the post-September 11 experience of residents and workers in Lower Manhattan weighs heavily in my opposition to this legislation. It is an essential fact that the accurate information these New Yorkers received about air quality came not from the government but from independent testers. Due diligence has been overlooked in the aftermath of emergencies, and I am concerned that advocates may confront undue burdens of proof or penalties should the city face another emergency in the future.

The burden imposed by Intro-650 on independent environmental testing has not been remedied adequately by the changes made to the legislation. The restraints on citizens and independent groups are inherent in the very nature of the enforcement system created by this bill. Both the permitting process and the penalties implemented by this legislation could produce a chilling effect on useful private activity.

There are other available avenues to guard against worries about false alarms, some of them already available to the NYPD and prosecutors, and others – such as self-registration – suggested in the course of this debate.

In lieu of these more modest steps to protect against a speculative problem, Intro 650 charges ahead with a significant expansion of police activity into the realm of public health decisions, and new government burdens on private activity that will almost certainly be challenged for violating the First Amendment.

Thank you for the opportunity to present this morning.