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Council Greens ‘Big Apple,’ Protects Workers, Votes Out Gas Reso

New York, NY – City Council Speaker Gifford Miller and other Council Members voted on the following items at today’s full Council meeting.

GREEN BUILDINGS

Int. 324-A will set green building standards for the construction and renovation of many building projects paid for with City capital funds. These standards will ensure that site planning, energy and water efficiency, the use of renewable energy, and conservation of materials and resources are incorporated into these projects. The City owns approximately 1,300 buildings and leases more than 12.8 million square feet of office space, and this legislation will affect approximately \$12 billion in construction, including \$5 billion in new schools, over the City’s 10-year capital plan.

“Green buildings are more healthy than regular buildings,” Speaker Miller, lead co-sponsor of the bill, said. “They have better indoor air quality and ventilation; they use less toxic carpets and paints; and they are energy and water efficient. Quite simply, green buildings save taxpayer dollars, as well as the environment.”

The United States Green Building Council (USGBC), the nation’s foremost coalition of real estate and environmental organizations working to promote green buildings, has developed a green building rating system known as LEED (Leadership in Energy and Environmental Design). Buildings receive LEED certification if their designs score sufficient “points” in five general design areas, including siting, water efficiency, energy and atmosphere, materials and resources and indoor environmental quality. Depending on the number of points a building receives, it can be rated Certified, Silver, Gold or Platinum. To date, nearly 2,000 building projects are seeking LEED certification with the USGBC, and 215 have completed certification, including several buildings in New York.

“This legislation continues the City Council’s commitment to improving the health and environment of all New Yorkers,” said James F. Gennaro, lead co-sponsor of the bill and chair of the Council’s Environmental Protection Committee. “By greening City buildings, we’re not only creating healthier places to work and live, we’re also creating a cleaner, better environment.”

Int. 324-A requires most new and substantially renovated City buildings costing more than \$2 million to be constructed in a healthy and environmentally sound manner. New York City buildings covered by Int. 324-A must be built according to green building standards that are as stringent as LEED.

“A public investment in high performance building shows a real commitment to alleviating the strain of the City’s energy demands, promoting greater worker productivity and developing new job creation strategies,” Ed Ott, Director of Public Policy and Worker Education at the New York City Central Labor Council and Chair of NYC Apollo. “It’s clear that the future of our city depends on it.”

“The Natural Resources Defense Council strongly supports the Green Buildings bill,” Katherine Kennedy, Senior Attorney at NRDC, said. “By enacting this important measure, the New York City Council and the Speaker are taking a vital step forward to promote energy efficient and high performance buildings in New York City, which will transform New York City’s built environment. At a time when Congress has enacted an energy bill that fails to reduce America’s energy bills or promote energy independence, this legislation will reduce energy costs and prices in New York City, while also reducing our dependence on foreign fossil fuel, improving energy security and cleaning the air we breathe by decreasing power plant air pollution.”

Under the Council’s legislation, construction and major renovation projects that cost more than \$12,000,000 must reduce energy use by 20 percent beyond what is required under the State energy code, and non-school construction projects costing more than \$30,000,000 must reduce energy use by 25 percent. These projects are also required to reduce energy use by a further 5-10 percent if there is no more than a seven-year payback on the investment needed for these additional energy savings. In addition, plumbing projects costing more than \$500,000 must reduce water use by 20-30 percent.

“From City waste transfer stations to bus depots and office buildings, green building guidelines are a practical way to bring environmental benefits to all neighborhoods in New York,” Ramon Cruz, Policy Analyst at Environmental Defense, said.

Tensie Whelan, Executive Director of the Rainforest Alliance, said, “The Rainforest Alliance strongly supports the Green Buildings legislation being passed by the New York City Council. This legislation will help to reduce emissions, improve energy efficiency, support well-managed forests and reduce waste in construction. It will improve the quality of life for New Yorkers.”

The bill also applies to any capital projects of non-City agencies that are funded by the City, provided the City is contributing at least \$10 million or 50 percent of cost of the project.

The Council funded a study that found that approximately 1,500 manufacturers in New York City who make products used in building construction could benefit from green development. Several products in strong demand that could be made in New York include: sustainably harvested wood products such as doors and moldings; energy efficient lighting fixtures, windows made from recycled glass; and particle board from recycled wood. Spending on green buildings in New York City is expected to top \$4 billion over the next few years and green buildings will soon account for one-quarter of all new construction costs.

“Healthy Schools Network congratulates Speaker Miller and the New York City Council for their leadership and commitment to the health of school children, teachers and all in school facilities,” Claire Barnett, Executive Director of the Healthy Schools Network, said. “It is time for New York City schools to follow the lead of other cities and states around the country and assure that our woefully inadequate school facilities will be rebuilt to be Healthy and High Performance learning environments.”

Nancy Anderson, Executive Director of The Sallan Foundation, said, “The Sallan Foundation is delighted that the City Council is taking an historic step forward to make high performance building New York’s ‘new normal.’ Intro 324-A seizes the opportunity to reduce our City’s energy demand while contributing to healthy public schools. Equally important, it will stimulate the development of new jobs and new businesses that we need for success in the 21st century.”

“This bill is a first step toward a requirement for all new building construction in New York City to comply with green building standards,” Annie Wilson, Energy Committee Chair for the Sierra Club Atlantic Chapter, said. “Green buildings are a key component to a sustainable future for New York City.”

This local law will go into effect on January 1, 2007.

PROTECTING WORKERS

Int. 629-A will dramatically increase fines on stores that lock in workers against their will. Council Member David Yassky’s bill raises fines 10-fold for businesses that lock their employees in at night, from \$500 to \$5,000 for the first offense. Subsequent offenses would raise the penalty to \$20,000.

“Safety comes first in this City,” Speaker Miller said. “Employers who endanger the lives of their workers will pay the price under our legislation.”

Council Member Yassky warned that, if the City allows lock-ins to continue, it is inviting disaster: “In grade school, we all learned about the Triangle Shirtwaist fire, and we learned once and for all that business owners shouldn’t put lives in danger by locking the fire exits,” he said. “Almost 100 years ago, that fire killed 146 people here in New York City, but we still haven’t learned our lesson. Employers continue to lock their workers in to prevent theft—a dangerous form of discrimination against mostly immigrant employees.”

The Triangle Shirtwaist fire of 1911 significantly impacted labor unions and labor laws in the United States. At that time, 146 women and girls, whose average age was 19, tragically perished in that fire because they were locked in their workplace.

Despite numerous workplace safety laws and regulations that mandate emergency egress plans and fire safety equipment and plans, the problem of locking workers in the workplace still exists. A number of large retailers have been cited by the United States Department of Labor’s Occupational Safety and Health Administration for continuing this potentially fatal practice. In addition, newspaper accounts have indicated that janitors and immigrant workers at supermarkets in Brooklyn, Queens and the Bronx are being locked in the workplace, with fire exits blocked or padlocked.

“Int. 629-A makes store owners recognize that human life is a priority over the products they lock their doors to protect,” Council Member Joseph P. Addabbo, Jr., chair of the Civil Service and Labor Committee, said.

AFFORDABLE GAS

Council Members will pass a resolution calling on the State to give the City the authority to set a flat, per-gallon tax rate on gas in New York City. Right now, the amount of money New Yorkers fork over in City tax depends on the price of gas at the time. As the cost of gas rises, New Yorkers pay more tax.

“The devastation of Hurricane Katrina sent gas prices soaring past the \$3.50 mark in New York,” Speaker Miller said. “While we send support and condolences to all of those directly hit by Katrina, the effects of this tragedy are being felt nationwide and we must act to protect the people of New York City from paying too much at the pump.”

The effects of Katrina not only hurt car owners, but our entire economy because businesses have to pass on the costs to deliver their goods on the road. The New York State Federation of Taxi Drivers even called for a surcharge on cabs when gas prices go above \$2.

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Council Member Avella, the lead sponsor of the resolution calling for a flat, fixed cents tax rate for gas said, “While the City cannot change the price of oil, we can offer New Yorkers a break by correcting the sales tax inequity and rate. Given the almost daily increases in the price of gas, we must do something to help the average motorist.”

The Federal government and the State impose a flat, fixed rate tax on gas at 18 cents per gallon and 24 cents per gallon, respectively. In New York City, consumers are forced to pay an additional 8.375¹ percent sales tax based on a percentage of the selling price of a gallon rather than a flat, fixed cents per gallon tax.

“New Yorkers are already under siege by rising gas prices,” Council Member Weprin, chair of the Council Finance Committee, said. “This is only made harsher by the City’s unfair form of a percentage tax on the price of gas. It is time for the State legislature to grant permission for the City of New York to impose a flat gas tax. This is a quality of life problem that has a discernable solution.”

Over the last year, prices at the pump have risen by more than 30 percent. This fiscal year, the State took in \$40 million more in gas taxes than in the previous year.

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¹ **Sales Taxes (Percent of Sales Price)**
State 4% City 4% MTA 0.375% **Total 8.375%**