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194 Ave A New York NY 10009 (212)529-4712 www.raven-nyc.com

Good morning. My name is Harold Kramer and together with my Ria we run the Raven bar located in Manhattan's East Village. I am opposed to the smoke free air act for a number of reasons.

First it has not been established that second hand smoke is as harmful as the proponents of this bill say it is. The claims are based on a report by the E.P.A. in 1993 that has since been discredited by a court of appeals.

The AMERICAN COUNCIL ON SCIENCE AND HEALTH published a report on their web site HEALTH FACTS ANDFEARS.COM. The report dated December 12, 2002 by Dr. Elizabeth Whelan is called “ **Mayor Bloomberg Exaggerates Secondhand Smoke Risk**”.

I will read a bit from that report.

“Our best estimate of the number of deaths prevented is somewhere between zero and a hypothetical ten to fifteen. There is no evidence that any New Yorker — patron or employee — has ever died as a result of exposure to smoke in a bar or restaurant. “

“The link between secondhand smoke and premature death, however, is a real stretch. The evidence here is far less established than are the acute effects (see the American Council on Science and Health report Environmental Tobacco Smoke: Health Risk or Health Hype?)”.

The second reason that I am opposed to this law is that it is unfair to the owners of these establishments. All the responsibilities are put on shoulders. We have to educate our customers, enforce this new regulation, and we suffer the fine if someone is caught smoking. Not only that, and worst of all the city is prohibiting a legal activity that over 80% of our customers enjoy. This comes at a time of extreme economic hardship for many people of the city. At a time like this small business needs all the help we can get. The city has offered us nothing to get us through what they call an adjustment period. No break in taxes, no nothing. Yet we risk losing customers who enjoy a smoke with there drink.

According to a poll that we are taking on our web site www.raven-nyc.com we ask the question , What will you do when the Smoking ban goes into effect? About 30% of the respondent said they would go out less and drink at home.



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The third reason I am opposed the Smoke Free Air Act is that it will cause a quality of life disaster. Council I will try to illustrate just how big a problem this will be.

Between East 12th St. and East 14th St. on or adjacent to Ave A there are no less than 14 bars and restaurants that are fully licensed to sell liquor. I will now read the names and capacities of these establishments.

The Cock - 188 Ave A. Capacity 150.
 Raven -194 Ave A. Capacity 75.
 Korova Milk Bar - 200 Ave A. Capacity 175.
 Parlay - 206 Ave A. Capacity 200.
 Il Covo Dell'est - 210 Ave A. Capacity 75.
 Oggi - 211 Ave A. Capacity 50.
 Forbidden City - 212 Ave A. Capacity 125.
 Casanova - 218 Ave A. Capacity 75.
 Planet Rose - 219 Ave A. Capacity 75.
 Phoenix - 447 East 13th St. Capacity 100.
 Keybar - 432 East 13th St. Capacity 50.
 Love, Hope, Unity Social Club - 506 East 13th St. Capacity 60.
 Totem - 505 East 12th St. Capacity 75.
 Old Devil Moon - 511 east 12th. Capacity 50.

If you add up all these capacities you get a total of 1,335. Mind you this is just a short two block stretch. It takes less than a minute to walk from 12th Street to 14th Street. On any given night these streets are packed with people. On weekends even more so. Can you imagine how disastrous it will be for the quality of life if patrons from these establishments are lining the streets to grab a smoke?

Ave A stretches from Houston Street to 14th Street. There are many, many more licensed establishments on Ave A than the ones I just listed. And Ave A is just one of many busy streets in the East Village. And the East Village is just one of many busy neighborhoods throughout the City of New York. All of these neighborhoods are residential. In New York people live side by side with these establishments.

I know that at least 90% of my patrons smoke cigarettes. It doesn't take a rocket scientist to do the math here. If intro 256 passes, the streets in these neighborhoods will be



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choked with people grabbing a smoke. It happens in midtown with office workers. There is no reason to believe that it wouldn't happen on Ave A and all the other avenues and streets that play host to New York City's night life.

Again going back to that poll on Raven's website a full 34% of the respondents said they would go outside for a smoke. They are the largest group of respondents to answer the poll.

Because of these reasons I am opposed to this unfair law and I beg you to repeal this before it goes into effect.

Thank you very much for allowing me to speak.