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Tourism, Parks, Arts and

Sports Development

PAT BURKE  
Assemblymember 142<sup>nd</sup> District  
Erie County

July 2, 2020

The Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo,

My office has been approached by several owners of local gyms sharing frustrations about New York State suddenly reversing course on its original decision to allow gyms to reopen in Phase 4.

I understand this decision was not made lightly by your administration. Considering the COVID-19 case increases in other states, it's important to assess new information and be willing to make decisions accordingly. Public health does and should come first, and it's clear that New York has made a commitment to public health when looking at our success compared to other states. However, gym owners are understandably frustrated given the preparations they've made and the adjustments many have already put into place for the timeline they were given. In many cases, staff had already been brought back to work to get ready for reopening. And like many of our state's small businesses, there are locally-owned fitness centers on the brink of having to permanently close their doors.

Research suggests that the virus is most often spread person to person through close contact in an indoor setting. Transmission of the virus from surfaces is not as common, and masks, social distancing, and hand washing have proven to be very effective tools. I understand the administration is looking into the effect of air conditioning on the spread of COVID-19, though research does not indicate at this time that it should be a significant cause of concern. Additionally, why is air conditioning not an issue in restaurants or other facilities permitted to open in phases 3 and 4, but it is in gyms?

Restaurants and other industries outside of New York City have been permitted to continue their reopening as scheduled and special accommodations, such as the use of public space for private restaurant seating in some cities, have been made to help allow businesses to function while also minimizing the spread of COVID-19.

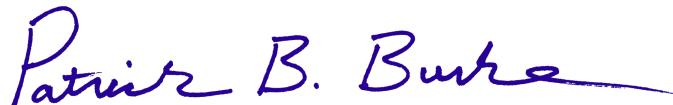
I believe New York, while acknowledging that we're not out of this crisis, can take a nuanced and phased approach in allowing gyms to reopen, just as it has with restaurants, retail, and other industries.

While I am not a public health expert, scientific research, expert opinion, and evidence from other states indicates that the risk of transmission can be mitigated in gyms by instituting requirements and guidelines such as:

- Placing some equipment outside in a parking lot or on a sidewalk, reducing the need for patrons to spend as much time indoors
- Spreading out equipment indoors with twelve feet of space, unless the establishment requires patrons to wear masks while exercising
- Setting the capacity limit first to 25% or 33%, then gradually increasing it as long as evidence suggests the virus isn't being spread in gyms
- Having patrons be subject to temperature checks before being allowed to enter the gym
- Mandating that patrons wear masks while walking between pieces of equipment
- Mandating that patrons thoroughly wipe down equipment after each use, and that employees disinfect equipment multiple times each day
- Encouraging gyms to have patrons make reservations prior to visiting the gym to reduce confusion or frustration over the number of patrons permitted at a time
- Encouraging gyms to limit the amount of time patrons can spend inside the gym
- Circulating outside air only and making sure ceiling, floor, and window fans are directing air away from patrons
- Limiting the number of people who can participate in indoor fitness classes at one time or requiring classes be held outdoors

Again, I believe New York has proven its commitment to public health and evidence-based decision making during this unprecedented crisis—a commitment unfortunately not shared by every other state's leadership. As we figure out how to reopen our state safely, it is important that we remain committed to these principles and that we also provide fair and clear standards to local business leaders and staff who are eager to get back to work safely. Please consider permitting gyms to reopen under reasonable requirements and guidelines, as several other states have done without seeing spikes in virus infection rates.

Sincerely,



Patrick B. Burke  
Member of Assembly, A.D. 142