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September 3, 2020

Honorable Andrew M. Cuomo
Governor
New York State Capitol
Albany, NY 12207

Re: Guidance for Reopening Movie Theaters

Dear Governor Cuomo:

We write today to urge you to issue guidelines to reopen New York State's movie theaters. These community businesses will be as safe as many other enterprises that have been back in business for weeks and months serving the general public. Today, New Yorkers especially need their local movie theater to reopen – as vital contributors to our local economies and drivers of business on ‘Main Streets’ – and to escape the stresses that abound in our ‘new normal’.

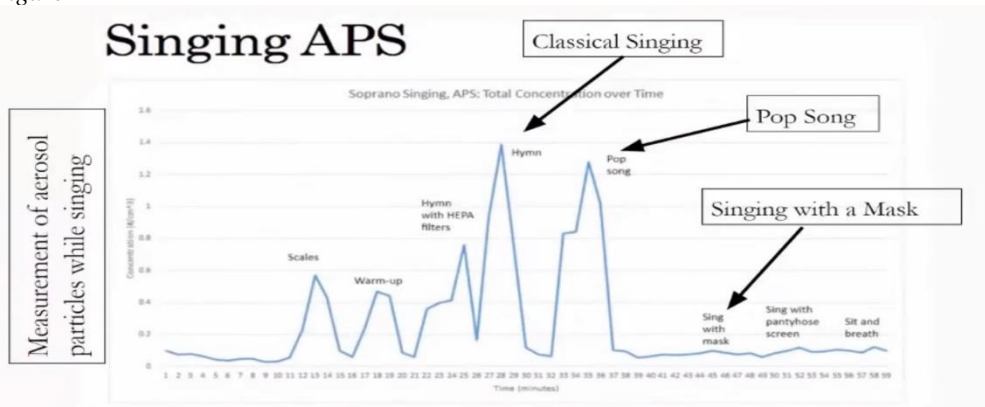
Recently, you mentioned that movie theaters use one ventilation system – but according to industry standards, movie theaters use separate MERV 11 or higher HVAC filtration units for each screening room, lobby, and bathroom. To be clear, air does not mix between the multiple spaces that comprise a single movie theater.

A concern was also expressed about the length of time customers spend in movie theaters compared to other businesses. By way of comparison, the average customer spends no more time in a movie theater than in a restaurant. An average movie runtime is 96 minutes, while dining industry experts advise restaurateurs to plan on allowing between 105 minutes and 120 minutes for their dining experience.

What's more, unlike restaurant customers, theatergoers will wear masks when seated and face the same direction. The higher ceilings in movie theaters, compared to most venues, more effectively diffuse airborne pathogens, such as the coronavirus. And movie customers will not be subject to high vocalization levels – e.g., conversation, raised voices – that characterize restaurants.

Experiments show that vocalization increases aerosol spread, and therefore the spread of COVID-19. A study commissioned by the National Federation of State High School Associations (NFHS), the College Band Directors National Association (CBDNA), and scores of performing arts organizations, measured the number of aerosol particles released when performers sang both with and without masks. As the following chart shows (see: Figure 1), sitting and breathing without a mask is equivalent to singing with a mask.

Figure 1



Please note how few aerosol particles are released while sitting and wearing a mask—which the movie theater industry’s plan requires.

The industry's reopening plan goes even further than just making sure people are not "breathing on each other." The plan calls for the highest possible mix of outdoor airflow into ventilation systems, as well as various social distancing protocols. Movie theaters will reduce viewing room capacity by 50%, require masks for their employees and visitors before seating, assign seats in checkerboard patterns to ensure at least six-foot distance between parties, stagger showtimes to reduce crowding, and provide touchless ticketing and concessions. Indeed, the moviegoing experience will bear no resemblance to the congregate setting familiar to most customers.

We trust that these community businesses have taken the disciplined approach you have so strongly recommended and promoted for months. The movie theater industry’s reopening plan, and the nature of their establishments, address each of the important concerns you have raised in recent weeks. Now, more than ever, New Yorkers need to feel confident and safe as we slowly return to an albeit different sense of normalcy and continue our progress in containing the spread of COVID-19. For these reasons, we respectfully request that you issue guidance to allow movie theaters to reopen.

Sincerely,

NYS Assemblymember Patricia Fahy

Assemblymember John McDonald III

Assemblymember Al Stirpe

Assemblymember Ellen Jaffee

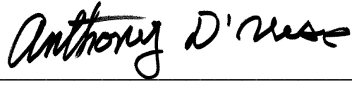
Assemblymember Donna Lupardo

Assemblymember Carrie Woerner

Assemblymember Judy Griffin



Assemblymember Al Taylor



Assemblymember Anthony D'Urso



Assemblymember Angelo Santabarbara



Assemblymember Phil Steck



Assemblymember Rebecca Seawright



Assemblymember Marianne Buttenschon



Assemblymember Steve Stern



Assemblymember Billy Jones



Assemblymember Jonathan Jacobson



Assemblymember Kenneth Zebrowski

CC: Robert Mujica, Director, NYS Division of Budget
Elizabeth Garvey, Special Counsel to the Governor