

To: Mayor's Office of Film, Theatre & Broadcasting  
From: APA, ASMP, EP & NPPA  
Re: Amendment to Chapter 9 of Title 43  
Rules of the City of New York

**The boards of directors and members of the undersigned photography trade associations are opposed to the proposed amendments to Chapter 9 of Title 43 of the Rules of the City of New York.** The named associations represent the interests of almost 18,000 professional photographers many of whom from time to time engage in the practice of their craft on the streets of New York City. Many of these photographers are also residents and tax payers of New York. Through their small businesses they support a myriad of businesses and service providers including prop houses, modeling agencies, film labs, digital post-production services, assistants, insurance companies, caterers, camera and grip equipment sales and rental companies and more. The passage of this amendment will have a chilling effect on the ability of small producers and individual photographers to work on the streets of New York City.

#### **Amendments are Discriminatory**

The amendments as proposed are discriminatory and place an undue burden for most still photographers. The percentage of jobs with budget for the \$300.00 New Project Account application is diminishing. It makes no sense to charge a television studio the same fee for a season of production as an editorial or commercial photographer for a one-day production of a much smaller scale.

#### **Waiver Lacks Guidelines**

There are no guidelines for the establishment of the New Project Account application fee waiver, only guidelines for the insurance certificate waiver. The burden of demonstrating unreasonable hardship is on the applicant and appears to be totally arbitrary. The time involved in securing a waiver may in fact preclude waiver application for many small jobs on a tight time schedule – exactly the jobs that should be subject to waiver.

#### **Places Burden on Those Least able to Pay**

In these difficult economic times, it is not equitable to shift the burden of budgetary shortfall onto the shoulders of those least able to pay and struggling to maintain their businesses in New York City.

In regard to the insurance coverage, we support the proposed change requiring certificates of insurance as per City of New York requirements.

**In summary, the creation of the New Project Account application by the MOFTB is ill conceived and will produce exactly the opposite of the desired effect by diminishing the number of productions on the streets of New York and reducing the overall revenue to the City and the related suppliers.**

**For more information, please contact:**

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About the Signatories:

### **Advertising Photographers of America**

APA's mission is Successful Advertising Photographers. Our goal is to establish, endorse, and promote professional practices, standards, and ethics in the photographic and advertising community. We seek to mentor, motivate, educate, and inspire in the pursuit of excellence. Our aim is to champion and speak as one common voice for advertising photographers and image makers to the advertising industry in the United States and the World.

### **American Society of Media Photographers**

Founded in 1944, the American Society of Media Photographers (originally the Society of Magazine Photographers and later the American Society of Magazine Photographers) is the leading trade association for photographers who photograph primarily for publication. ASMP promotes photographers' rights, educates photographers in better business practices, produces business publications for photographers and helps buyers find professional photographers.

### **Editorial Photographers**

Editorial Photographers (EP) is a non-profit organization dedicated to improving the health and profitability of editorial photography. Our mission is to educate photographers and photography buyers about business issues affecting our industry, and in the process raise the level of business practices in the profession.

### **National Press Photographers Association**

The National Press Photographers Association is dedicated to the advancement of visual journalism, its creation, practice, training, editing and distribution, in all news media and works to promote its role as a vital public service.