



Testimony

of

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before the

**New York City Council
Committee on Women and Gender Equity Oversight Hearing**

on

Menstrual Equity in New York City

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Committee Room, City Hall**

Introduction

Good morning, Chair Diaz, and members of the Committee on Women and Gender Equity.

I am Jacqueline Ebanks, Executive Director of New York City's Commission on Gender Equity (CGE). In this role, I also serve as an advisor to the Mayor and First Lady on policies and issues affecting gender equity in New York City for all girls, women, transgender, and gender non-binary New Yorkers regardless of their ability, age, ethnicity/race, faith, gender expression, immigrant status, sexual orientation, and socioeconomic status.

My colleague, **Erin Drinkwater, Deputy Commissioner for Intergovernmental and Legislative Affairs** for the Department of Social Services, and I welcome this opportunity to discuss the Administration's menstrual equity efforts since the enactment of the 2016 menstrual equity laws.

The de Blasio Administration is steadfast in its commitment to promote equity, excellence and fairness for all New Yorkers. From combatting workplace sexual harassment and discrimination on the basis of sexual orientation or gender identity, to enshrining rights for pregnant and parenting New Yorkers, to ensuring access to inclusive services and paid safe leave for survivors of domestic and gender-based violence, the Administration has converted its words into action to become a leader in protecting the rights of all New Yorkers regardless of gender identity, gender expression, or background.

It is within this context that CGE works to create lasting institutional commitment to tearing down equity barriers across New York City. CGE carries out its activities across three areas of focus within a human rights framework and using an intersectional lens. These areas of focus are:

1. **Economic Mobility and Opportunity.** The goal is to create a City where people of all gender identities and gender expressions live economically secure lives and have access to opportunities to thrive.
2. **Health and Reproductive Justice.** The goal is to foster a City free from gender- and race-based health disparities.
3. **Safety.** The goal is to foster to a City free from gender- and race-based violence.

Menstrual Equity: Why It Matters

Menstruation is a natural monthly occurrence, experienced by over half the population for much of their lives, and yet stigma and lack of access to menstrual products is still pervasive within our society.

Menstrual equity is the equal, safe and affordable access to menstrual products as well as ensuring that girls, women, gender non-binary persons, and persons of trans-experience have the support and education to make informed choices on how to take care of their menstrual health. Although CGE addresses menstrual equity primarily within its health and reproductive justice focus area, we acknowledge that matters of economic mobility and opportunity and safety are inextricably linked to menstrual equity and deeply affect quality of life.

Menstrual inequity is a gender and reproductive justice issue that disproportionately affects marginalized girls, women, gender non-binary persons, and persons of trans-experience who are students, living in poverty, homeless and/or experience housing insecurity, justice involved, and/or in our foster care system.

Nationally, nearly a quarter of students experience period poverty according to a 2021 national survey on *The State of The Period*, with lower income and students of color (particularly Latinx) disproportionately bearing the impact of lack of access to menstrual products.¹ Students overwhelmingly agreed that too many of their peers miss school time because they do not have the period product they need. In addition to access to menstrual products, students also cited struggling with period stigma in their school environment and need for more informed and open sexual health education that includes in-depth menstrual health education.

People living in poverty are directly affected by lack of access to menstrual products. It is estimated that women, girls, non-binary persons, and people of trans-experience who menstruate will have to spend well over \$1,000 in their lifetime on menstrual products.² Even those who may have access to public assistance programs such as WIC or SNAP still face challenges as those public benefits are not permitted to cover the cost of menstrual products.³ This is particularly problematic because many people need access to menstrual products after birth solely because of post-partum bleeding and discharge.

People experiencing housing insecurity or homelessness also often struggle to access menstrual products. Despite the paucity of research, nationally, we know that some persons experiencing housing insecurity face barriers, such as limitations on access to soap or a shower, and facility availability. It is also well documented that non-binary persons and people of trans-experience can face particular challenges in sex-separated spaces, sometimes reporting being turned away, harassed or assaulted when seeking a place to sleep. Many avoid shelters, sometimes based on the perception that the shelters are unsafe or unsanitary.⁴ Furthermore, compared to the general population, transgender and non-binary people are more than twice as likely to live in poverty and more than three times as likely to be unemployed.⁵ Even in the absence of financial hardship, transgender and non-binary people bear the constant risk of violence and harassment in shared bathrooms and other public spaces.

Faced with barriers of poverty, homelessness and housing insecurity, and gender discrimination, girls, women, gender non-binary persons, and persons of trans-experience are often more likely to re-use, prolong use, or misuse menstrual products or other items (such as diapers, toilet paper, etc.) to manage their period. All of which can lead to infection, infertility, or life-threatening diseases such as Toxic Shock Syndrome. No one should have to compromise their education, economic opportunity or physical or mental health because they cannot equitably access the period products they need.

¹ <https://period.org/uploads/State-of-the-Period-2021.pdf>

² <https://www.aclu.org/report/unequal-price-periods>

³ <https://www.aclu.org/report/unequal-price-periods>

⁴ <https://www.aclu.org/report/unequal-price-periods>

⁵ <https://www.nbcnews.com/feature/nbc-out/transgender-men-pain-menstruation-more-just-physical-n111396>

Implementing Menstrual Equity Laws

CGE testified in strong support of the Council's Menstrual Equity bills in 2016 and supported the State's elimination of the tampon tax that quickly followed the Council's action. Since the laws were enacted in 2016, agencies have implemented procurement and distribution processes to get the products to New Yorkers, in accordance with the laws.

The administration was also able quickly to modify these processes for COVID-19 when, in March 2020, New York City became the epicenter of the pandemic resulting in sudden economic hardship for many New Yorkers, including increased incidences of period poverty. Students who previously relied on obtaining menstrual products in schools were left without this resource in the context of a sudden shift to remote learning. In households where one or more parent may have lost a job, the additional cost of menstrual products could add unprecedented financial stress on families.

Heeding the call of student advocates, elected officials and the Department of Health and Mental Hygiene collaborated to distribute sanitary napkins to New Yorkers through local food banks. In addition, the Department of Education ensured that menstrual products were available at food distribution centers located at public schools.

Moving Forward

Ensuring the availability and fair access of menstrual products for all New Yorkers falls within CGE's health and reproductive justice focus area, through which CGE seeks to ensure all New Yorkers live healthy lives with full bodily autonomy. This work is now more important than ever.

We are proud that New York City is among the first in the nation to address the issues of menstrual equity and period poverty by passing Local Laws 82, 83, and 84 of 2016 ensuring free menstrual products in schools, correctional facilities and shelters. To support implementation of these laws, and to address any gaps that exist or may arise, CGE will continue to collaborate with our colleagues at the Department of Education, Department of Corrections, Department of Homeless Services, and the Department of Citywide Administrative Services, by convening a Working Group on Menstrual Equity within the Gender Equity Inter-Agency Partnership, an inter-agency collaborative which advances intersectional gender-equitable policies and practices across city agencies. We anticipate convening the working group in October 2021, and will begin with an examination of current practices, and their efficacy, in distributing menstrual products to New Yorkers. We will also explore additional ways to meet New Yorkers' menstrual equity needs citywide.

Whether the lack of access to menstrual hygiene products derives from scarce funds, insufficient sexual health education, or other barriers of access—no one should go without necessary menstrual products. Everyone should have the opportunity to make informed decisions with fair access to the products that best meet the needs of their bodies. Menstrual equity is a key issue at the intersection of public health, human rights, and gender and reproductive justice; and must be addressed to advance gender equity for New Yorkers.

Thank you for inviting me to speak today. I look forward to continued conversations on this issue.