

June 3, 2021

New York State Senate and Assembly  
New York State Capitol Building  
State Street and Washington Avenue  
Albany, NY 12224

Dear Members of the New York State Legislature,

We write to voice our strong support of SB 933, a bill that would update New York antitrust law, giving enforcers and private actors the ability to rein in many abusive tactics corporations use against other firms and workers that are difficult to challenge under current antitrust law and precedent. It would provide workers and small businesses with important new protections, putting New York at the vanguard of the national push to ensure that dominant corporations can't use their power to unfairly drive down wages or block competitors from accessing markets.

Today, courts have excessively narrowed antitrust law, rendering it too difficult to prove a firm has monopoly power. SB 933 is designed to reverse that, and restore the original intent of the Donnelly Act, New York's premier antitrust law. By passing this legislation, the New York legislature would reaffirm that the goal of antitrust laws is to prevent the abuse of power by monopolies, stop anti-competitive conduct, and keep labor markets open and fair.

Corporate interests will undoubtedly claim that this bill will harm small businesses and workers. But that isn't true. Most firms do not have sufficient market power to warrant heightened antitrust scrutiny. Instead, this bill would provide them with important protections ensuring that they can compete on the merits of their ideas and products, rather than be subject to the whims of dominant gatekeepers that use their power – not their ability to innovate or provide superior services – to block out competitors.

The bill explicitly provides protections against corporations leveraging power from one market into another or foreclosing opportunities by refusing to deal with another firm, and the attorney general will be able to craft additional rules on abuses such as predatory pricing, predatory surveillance, or self-preferencing, addressing many of the harms and abuses foisted upon other businesses by dominant corporations.

The bill also provides groundbreaking new protections for workers by explicitly naming monopsony power – which manifests in the ability of corporations to use their buying power to lower wages in concentrated labor markets – as worthy of antitrust scrutiny. It also specifically names the ability to impose non-compete and no-poach restrictions onto workers as evidence of corporate power. These provisions will ensure that workers have ability to access fair wages and freedom of job movement, and don't have to accept substandard pay or other restrictions in order to provide for themselves and their families.

There is national momentum behind reforming and updating antitrust law to deal with the challenges presented by today's monopolists. Passing SB 933 would be a major step forward in that fight, and we urge you to do it as soon as possible.

Signed,

American Economic Liberties Project  
Center for Popular Democracy

Family Farm Action  
Fight Corporate Monopolies  
Future of Music Coalition  
Greater New York Labor-Religion Coalition  
Institute for Local Self-Reliance (ILSR)  
Main Street Alliance  
New York Communities for Change  
Open Markets Institute  
People's Parity Project  
Public Citizen  
S.T.O.P. - The Surveillance Technology Oversight Project  
Strong For All  
Tompkins County Workers' Center