

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

General Permit Provision and Food Protection

SUMMARY OF PROPOSED RULE

Amend New York City Health Code Article 5

REASON WHY ACTION IS BEING CONSIDERED

Amend Article 5 to allow the department to request e-mail addresses from permit applicants so that the department can e-mail information to food service establishments and other permitted entities. Obtaining and using e-mails for non-emergency notices will be cost effective for the department and tax payers and save paper resources.

INDIVIDUALS LIKELY TO BE AFFECTED

All food service and non-retail food service establishments and other entities holding permits issued by the Commissioner.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Article 5

SCHEDULE FOR ADOPTION

Fall 2012

AGENCY CONTACT PERSON

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

Exclusion orders

SUMMARY OF PROPOSED RULE

Currently children under six who are carriers of Campylobacteriosis, Salmonellosis, Typhoid Fever, Yersiniosis, E. coli 015:H7 and other Shiga Toxin producing Escherichia coli (STEC) infections, Shigellosis, Amebiasis, Cryptosporidiosis, Giardiasis, and hepatitis A are excluded from schools, day care facilities, camps or other congregate settings until they are no longer a danger to others as determined by the Department. The Department proposes to amend Health Code sections 11.15 and 11.19 to change the age of exclusion of children who are carriers of the above conditions from under six years of age to under five years of age.

REASON WHY ACTION IS BEING CONSIDERED

There is lack of evidence of transmission among 5 year olds of enteric diseases. This action is being considered to prevent children from unnecessarily being excluded from kindergarten.

INDIVIDUALS LIKELY TO BE AFFECTED

Five year olds and their families.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Article 11

SCHEDULE FOR ADOPTION

Winter of 2012

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

Nutrition

SUMMARY OF PROPOSED RULE

Amend Article 48 of the New York City Health Code to strengthen promotion of healthy food in camp settings.

REASON WHY ACTION IS BEING CONSIDERED

Obesity is epidemic in New York, and begins early in life. In New York City one in five public school children is obese. Being obese in childhood increases the likelihood of adult obesity, which is associated with diabetes, high blood pressure, high cholesterol, heart disease, and cancer.

INDIVIDUALS LIKELY TO BE AFFECTED

Permitted camp owners and managers

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Article 48

SCHEDULE FOR ADOPTION

Fall 2012

AGENCY CONTACT PERSON

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

Food Protection

SUMMARY OF PROPOSED RULE

Amend Article 81 of the New York City Health Code

REASON WHY ACTION IS BEING CONSIDERED

Clarify and make corrections to recent amendments to Article 81.

INDIVIDUALS LIKELY TO BE AFFECTED

All food service and non-retail food service establishments in NYC

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Articles 5, 81 and 89

New York State Sanitary Code Subpart 14-1

SCHEDULE FOR ADOPTION

Fall 2012

AGENCY CONTACT PERSON

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
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SUBJECT AREA

Carbon Monoxide Testing

SUMMARY OF PROPOSED RULE

Amend Article 131 to require testing for carbon monoxide in public indoor spaces that use fossil fuel-burning machinery, such as ice resurfacing equipment, material handling equipment, etc.

REASON WHY ACTION IS BEING CONSIDERED

To protect the public from potential health risks due to carbon monoxide exposure.

INDIVIDUALS LIKELY TO BE AFFECTED

Building owners and managers, and equipment owners.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Article 131

SCHEDULE FOR ADOPTION

Fall 2012

AGENCY CONTACT PERSON

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
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SUBJECT AREA

Scald Burn Injuries

SUMMARY OF PROPOSED RULE

Add new section to Article 131 requiring water temperature at outlet taps in residential buildings to be no more 120 degrees F to prevent scalding burns.

REASON WHY ACTION IS BEING CONSIDERED

Scalding tap water burns are a significant cause of injury, disfigurement, loss of function, and mortality in young children and the elderly. Between 2006 and 2010, over 2,300 children between 0 to 14 years in NYC were hospitalized for scald burns - over 1,500 of which were between 1 to 4 years old (65%). Scald burns among children are the second leading cause of injury hospitalizations among 0 to 4 year olds (following falls) and the third leading cause for 5 to 9 year olds (after falls and pedestrian injuries). Five children died from scald burns between 2001 and 2010. Adults aged 65 years or older have a worse prognosis than younger patients after scald burns because of age-related factors and are subject to more extensive medical treatment than younger adults.

INDIVIDUALS LIKELY TO BE AFFECTED

Building owners and managers, plumbers, tenants

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Administrative Code § 27-2031

SCHEDULE FOR ADOPTION

Spring 2013

AGENCY CONTACT PERSON

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
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SUBJECT AREA

Radiation Control

SUMMARY OF PROPOSED RULE

Pursuant to changes in federal code, amend sections of New York City Health Code Article 175, including:

- “Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements”
- “Requirements for Expanded Definition of Byproduct Material”
- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent”
- “Medical Use of Byproduct Material - Authorized User Clarification”
- “Decommissioning Planning”

REASON WHY ACTION IS BEING CONSIDERED

Title 10 of the Code of Federal Regulations has been amended to make the changes summarized above. The U.S. Nuclear Regulatory Commission requires New York City (as well as other Agreement States) to make similar changes to their radiation regulations to remain compatible with federal law.

INDIVIDUALS LIKELY TO BE AFFECTED

New York City Radioactive Materials Licensees; Radiation Safety Officers, Authorized Medical Physical Physicist, Authorized Users; and Nuclear Pharmacists; Manufacturers, processors, or producers of products containing byproduct material.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Code of Federal Regulations, Title10, Parts 20, 30, 35, and 50
New York State Sanitary Code Part 16
New York City Health Code Article 175

SCHEDULE FOR ADOPTION

Spring 2013

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

Commercial Tanning Facilities

SUMMARY OF PROPOSED RULE

Amend Article 175 of the New York City Health Code to include rules for the licensure and inspection of commercial tanning facilities with the intent of increasing consumer knowledge of the hazards of UV radiation and protecting the public from potential health risks.

REASON WHY ACTION IS BEING CONSIDERED

The purpose of the proposed rule is to reduce the risk of cancer among adolescents, increase the awareness of the risks of indoor tanning and establish the safer and sanitary operation of tanning facilities; and enable more consistent enforcement of provisions regulating commercial tanning facilities.

INDIVIDUALS LIKELY TO BE AFFECTED

The public, permittees, owners and managers of tanning facility establishments.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York State Public Health Law, Article 35-A
10 NYCRR Subpart 72-1
New York City Health Code Article 175

SCHEDULE FOR ADOPTION

Spring 2013

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

Burial Requirements in Cemeteries

SUMMARY OF PROPOSED RULE

Repeal § 205.25 of the New York City Health Code.

REASON WHY ACTION IS BEING CONSIDERED

Section 205.25 is an outdated provision and is no longer needed.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Article 205

SCHEDULE FOR ADOPTION

Spring 2013

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
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SUBJECT AREA

Health Code Penalty Schedule

SUMMARY OF PROPOSED RULE

Specify penalties for violations of the New York City Health Code, the New York City Administrative Code and Title 24 of the Rules of the City of New York and other applicable law for violations that are adjudicated by the Health Tribunal for all establishments, permittees, licensees, and other persons or entities regulated by the Department. Penalties would be added for violations of Health Code provisions and those in other applicable law covering food safety, Smoke-Free Air Act, camps, child care, lead poisoning, environmental health related nuisances, pools, beaches, water tanks, sewage, and radiation.

REASON WHY ACTION IS BEING CONSIDERED

To be consistent with other regulations within the City that informs respondents of penalties prior to adjudication.

INDIVIDUALS LIKELY TO BE AFFECTED

Regulated entities and the general public.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Articles 5, 43, 47, 48, 71, 81, 141, 165, 167 and 175

24 RCNY 10-02

New York State Sanitary Code Subpart 14-1

SCHEDULE FOR ADOPTION

Winter 2012

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
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SUBJECT AREA

Window Guards

SUMMARY OF PROPOSED RULE

Amend Chapter 12-11 of Title 24 of the Rules of the City of the New York City Health Code to allow limiting devices for windows other than double hung windows, and to generally update requirements in the Chapter.

REASON WHY ACTION IS BEING CONSIDERED

This is being proposed to allow limiting devices that the Department has approved as effective for windows other than double hung windows, and to modernize other provisions.

INDIVIDUALS LIKELY TO BE AFFECTED

Building owners, managers and agents of multiple dwellings where children 11 years or younger reside.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code § 131.15
Rules of the City of New York Chapter 12, Title 24
New York City Administrative Code § Section 17-123

SCHEDULE FOR ADOPTION

Winter 2012

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

Smoking in Public Areas

SUMMARY OF PROPOSED RULE

Update and amend Chapter 10 of the Rules of the City of New York to repeal Section 10-09, Separate Smoking Room in Bar, Appendix A Specifications for Separate Smoking room, and all references to separate smoking rooms in that Chapter, and other provisions of these rules.

REASON WHY ACTION IS BEING CONSIDERED

This is being proposed to repeal Sections of the rule which are no longer and effect, and are inconsistent with New York State Public Health Law Article 13-E, as amended by Chapter 13 of the Laws of 2003 to update provisions that require further clarity.

INDIVIDUALS LIKELY TO BE AFFECTED

Food Service establishments, places of employment and other public places.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Rules of the City of New York Chapter 10, Title 24
New York State Public Health Law Article 13-E
New York City Administrative Code Chapter 5, Title 17

SCHEDULE FOR ADOPTION

Winter 2012

AGENCY CONTACT PERSON

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY13 REGULATORY AGENDA**

SUBJECT AREA

Food Service Establishment Inspection Procedures

SUMMARY OF PROPOSED RULE

Revise Chapter 23 of the Rules of the City of New York entitled Food Service Establishment Inspection Procedures and Letter Grading and Appendix 23A Food Service Establishment Inspection Score Worksheet and Appendix 23B Food Service Establishment Inspection Scoring Parameters –A Guide to Conditions to be updated to reflect new policies and procedures for posting of grades in food service establishments. Appendices 23A and 23B will also be amended to reflect amendments to Article 81 of the New York City Health Code. In addition, notices of violation will not be issued to a food service establishment subject to Chapter 23 if the establishment scores less than 13 points on a sanitary inspection.

REASON WHY ACTION IS BEING CONSIDERED

Article 81 of the New York City Health Code, was repealed, recodified, and adopted by the Board of Health on January 20, 2012. Chapter 23 and Appendices 23A and 23B are to be revised accordingly.

INDIVIDUALS LIKELY TO BE AFFECTED

The public, permittees, owners and managers of all food service establishments are likely to be affected.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

24 RCNY Chapter 23, Appendices 23A and 23B
New York City Health Code Article 81
New York State Sanitary Code Subpart 14-1

SCHEDULE FOR ADOPTION

Fall 2012

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