



**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH**

Notice of Adoption of Amendments to Article 175 of the New York City Health Code

In compliance with section 1043(b) of the New York City Charter (“Charter”) and pursuant to the authority granted to the New York City Board of Health (“Board”) by section 558 of the Charter, a notice of public hearing and opportunity to comment on proposed amendments to Article 175 (Radiation Control) of the New York City Health Code (“Health Code”) was published in the New York City Record on March 31, 2025. A public hearing was held on May 6, 2025. No testimony was provided at the hearing, and one written comment was submitted and reviewed. After consideration of the comment received, no changes were made to the proposed rule. At its meeting on June 5, 2025, the Board adopted the following resolution.

Statement of Basis and Purpose of Rule

Background

Radioactive Material

The Board amends Health Code Article 175 as required by the U.S. Nuclear Regulatory Commission (“NRC”) for compatibility with federal regulations. New York City (“NYC”), in partnership with New York State (“NYS”), has an agreement with the NRC to regulate the use of certain radioactive materials. The amendments modify §175.101(b) regarding notices, instructions and reports to workers, and §175.103(c) regarding general requirements for radioactive materials, to align with NRC requirements by removing exemptions for 10 CFR Section 19.11(d) and 10 CFR Sections 30.36(d) through (k), respectively, and incorporating these requirements by reference.

Statutory Authority

The authority for these rules is found in the New York City Charter §§ 556, 558 and 1043.

The amendments are as follows:

Underlined language is new.

Language in [brackets] is to be deleted.

Ellipses (***) indicate unamended text.

RESOLVED, that subdivision (b) of section 175.101 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York is amended to read as follows:

(b) The following provisions from 10 CFR Part 19 are not so incorporated: §19.1, §19.2, the definition of “regulated entities” in § 19.3, § 19.4, § 19.5, § 19.8, §§ 19.11(b)[-] and (e), § 19.14(a), §19.18, §19.30, §19.31, § 19.32 and § 19.40.

RESOLVED, that subdivision (c) of section 175.103 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York is amended to read as follows:

(c) The following provisions from 10 CFR Parts 30 are not so incorporated: § 30.1, § 30.2, the definitions of "commencement of construction" and "construction" in §30.4, §§ 30.5 through 30.8, § 30.21(c), § 30.32(e), § 30.34(d), § 30.34(e)(1), § 30.34(e)(3)[, § 30.36 (d)-(k)], §§ 30.37 through 30.39, § 30.41(b)(6), § 30.53, 30.55, § 30.62, § 30.63 and § 30.64.