



NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to Article 175 of the New York City Health Code

What are we proposing? The New York City Department of Health and Mental Hygiene (“Department”) is proposing that the Board of Health amend Article 175 of the New York City Health Code (“Health Code”) to ensure compatibility with federal regulations for radioactive materials.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place from 10 a. m. to 11 a. m. on May 6, 2025. The hearing will be conducted by video conference accessible via internet or telephone:

- **Internet.** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=m11e4ff6ae17baa3d7787106b31213b68>
If prompted to provide an event number or password, please enter the following:
Webinar number: **2330 855 8341**, Password: **4v8mT3JEX4U** (48868353 from phones)
- **Phone:** For access, dial: (408) 418-9388 or (646) 992-2010; then please enter the following Access code: **233 085 58341**

How do I comment on the proposed amendments? Anyone can comment on the proposed amendments by:

- **Website:** You can submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email:** You can email written comments to resolutioncomments@health.nyc.gov.
- **Mail:** You can mail written comments to:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, 14th Floor, CN 30
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing resolutioncomments@health.nyc.gov before the hearing begins at 10 a.m. on May 6, 2025. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Written comments must be received on or before 5:00 PM on May 6, 2025.

What if I need assistance to participate in the hearing? You must tell the Department's Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including if you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses given above. You may also tell us by telephone at 347-396-6078. Please give us advance notice to allow sufficient time to arrange the accommodation. Please tell us by April 22, 2025.

Can I review the comments made regarding the proposed amendments? You may review the online comments made on the proposed amendments at <https://rules.cityofnewyork.us/proposed-rules/>. All written comments and a summary of the oral comments received by the Department will be made available to the public within a reasonable time after the hearing by the Department's Office of General Counsel.

What authorizes the Department to make these amendments? Sections 556, 558 and 1043 of the New York City Charter ("Charter") authorize the Department to make these proposed amendments.

Where can I find the Department's rules and the Health Code? The New York City Health Code is located in Title 24 of the Rules of the City of New York.

What rules govern the rulemaking process? The Department must meet the requirements of Section 1043 of the Charter when amending the Health Code. This notice is made according to the requirements of Section 1043 of the Charter. These amendments were not included in the Department's most recent regulatory agenda because they were not contemplated when the Department published the agenda.

Statement of Basis and Purpose of Proposed Rule

Background

Radioactive Material

The New York City Department of Health and Mental Hygiene ("Department") is proposing amendments of 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 proposed 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 proposed 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.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Use of Certain Radioactive Materials

REFERENCE NUMBER: 2025 RG 024

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: March 11, 2025

**NEW YORK CITY MAYOR’S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Relating to Use of Certain Radioactive Materials

REFERENCE NUMBER: DOHMH-158

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro
Mayor’s Office of Operations

March 11, 2025
Date