Navigating Administrative Justice and Enforcement

New York City
Department of Health & Mental Hygiene

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New York City Mayor’s Office for International Affairs
New York City Public Health Laws

- New York City Health Code
  - Rules adopted by NYC Board of Health
- New York City Administrative Code
  - Laws enacted by the New York City Council
- New York State
  - Laws enacted by the State legislature
    - Public Health Law, Social Services Law
  - State agency regulations
    - Primarily, State Sanitary Code
- Health Department Regulations
  - Implementing Health Code, Ad Code, State law
Health Department Enforcement Programs

- Food Safety
- Child Care
- Environmental Disease & Injury Prevention
- Radiological Health
- Public Health Engineering
- Veterinary & Pest Control
Enforcement Strategies

• Outreach and education
• Consumer engagement
• Inspections
Enforcement: Industry Education & Outreach
Enforcement: Consumer Engagement

- Leverage consumer power to promote compliance
- Department websites allow consumers to check inspection results

- City’s OpenData site
  - Data from multiple NYC agencies
  - Format usable for researchers, web developers

- Mandatory grade card posting in restaurant window summarizes inspection outcome
Enforcement Approach: Inspections

• Inspection triggers
  – Routine, unannounced
  – Complaints to 311
  – Medical reports

• Inspection outcomes
  – If violation observed, summons may be issued
  – Heard at the Office of Administrative Trials and Hearings
  – Violation sustained, fine imposed
  – $200-$2000
Example: Restaurants

• 24,000 restaurants in NYC
• Risk-based inspection schedule
  – Annual inspection for best performers
  – Inspected again 3-7 months if inspection shows poorer performance
• Inspections can result in summons, fine
• Grading launched in 2010
  – Motivate restaurants to improve
  – First year: 81% restaurants posting A grades
  – June 2016: 93% restaurants posting A grades
Example: Cooling Towers

- **Summer 2015, outbreaks of Legionnaires’ Disease**
  - Symptoms similar to pneumonia
  - Most at risk: elderly, smokers, people with suppressed immune system
  - Caused by bacteria that grow in warm water
- **200-400 cases annually in NYC**
  - 1 in 10 die
- **Summer 2015**
  - South, East Bronx outbreaks
  - 153 sick
  - 17 deaths
  - Caused by bacteria from cooling towers
Example: Cooling Towers

• Cooling tower
  – Equipment part of building cooling system
  – Recirculates warm water and emits mist
  – Not properly maintained, *Legionella* bacteria can grow
  – Air containing specific pathogenic bacteria (*Legionella pneumophila*) can circulate around the building
  – If inhaled, can lead to Legionnaires’ disease

• In response to Bronx outbreak, City Council passed toughest cooling tower law in US
  – Requires registration of cooling towers
  – Sets broad requirements for testing, cleaning, disinfecting
  – Authorizes Health Department to enforce

• Inspections began this spring
  – Failing to comply can result in a summons and fine
Example: Hazardous Consumer Products

• Receive reports of product-related poisoning
• Contaminants, e.g. lead, mercury, arsenic
• Products, e.g.
  – Cosmetics
  – Jewelry
  – Dietary supplements
  – Traditional medicines, remedies
  – Spices
  – Powders used for religious practice
• Products frequently, though not always, imported
  – Travelers
  – Import businesses
Example: Hazardous Consumer Products

- Inspect stores where product may be sold
- Purchase suspected products, laboratory testing
- If positive test, return to store
  - Seize product
  - Order it removed from shelves and destroyed
  - Post warning sign to alert consumers
- Collaborate with federal agencies, e.g. FDA
  - National consumer advisories
  - Import alerts
- International cooperation for imported products
  - Alert delegation in NYC
  - Warn community in NYC
  - Notify manufacturer, distributor, health agencies
Summary

• These are some of the ways the Health Department works to protect and promote the public health in NYC

• To learn more visit nyc.gov/health

• Call 311, use 311 online
  – File complaint
  – Seek information
Questions?