

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: Consumer Engagement

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



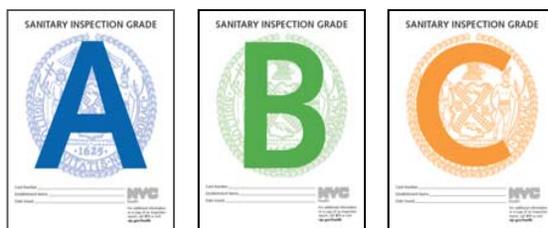
- City's OpenData site
 - Data from multiple NYC agencies
 - Format usable for researchers, web developers
- Mandatory grade card posting in restaurant window summarizes inspection outcome

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?