



**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2017 REGULATORY AGENDA**

SUBJECT AREA

Bathing Establishments

SUMMARY OF PROPOSED RULE

Revise Article 165 (Bathing Establishments) of the New York City Health Code to conform to relevant City, State and Federal Building Standards and Codes.

REASON WHY ACTION IS BEING CONSIDERED

In order to protect swimmer health and safety at all permitted-bathing establishments under the jurisdiction of Article 165 and to conform with applicable City, State and Federal regulations.

INDIVIDUALS LIKELY TO BE AFFECTED

Permitted bathing establishments

RELEVANT FEDERAL, STATE AND LOCAL LAWS

15 USC §§ 8001-8008 (Virginia Graeme Baker Pools and Spa Safety Act)
Model Aquatic Health Code, Centers for Disease Control and Prevention
New York State Sanitary Code Part 6, Subpart 6-1 Swimming Pools
New York State Building Code (Uniform Code) § 3109
New York City Building Code, § BC 3109
Article 165 of the New York City Health Code

SCHEDULE FOR ADOPTION

Fall 2017

AGENCY CONTACT PERSON

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

Radiation Control

SUMMARY OF PROPOSED RULE

Revise Article 175 with respect to radioactive materials to incorporate by reference applicable federal regulations, in order to maintain required consistency between federal and local regulations, and, with respect to radiation equipment, to adopt certain provisions from the model Suggested State Regulations for Control of Radiation (SSRCR) issued by the Conference of Radiation Control Program Directors

REASON WHY ACTION IS BEING CONSIDERED

Incorporating required federal standards by reference will simplify the process of maintaining the required consistency with applicable federal regulations and allow the local regulated community to operate under uniform standards. Using the SSRCR will allow the Department to implement and maintain requirements for best practices in the industry.

INDIVIDUALS LIKELY TO BE AFFECTED

Any person who sells, transfers, assembles, receives, produces, possesses, or uses any radioactive material or any radiation equipment in New York City.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

10 CFR Chap. I

21 CFR Chap. I

10 NYCRR Part 16

NYC Health Code Article 175

SCHEDULE FOR ADOPTION

Spring 2017

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

Penalties

SUMMARY OF PROPOSED RULE

Establish a fixed penalty schedule for all sustained notices of violations/summonses alleging violations of the Health Code, Department rules and other law enforced by the Department that are adjudicated at the Office of Administrative Trials and Hearings Trials Division.

REASON WHY ACTION IS BEING CONSIDERED

The Department has established fixed penalties for some, but not all, of its enforcement programs. Fixed penalties promote transparency and consistency in adjudication outcomes.

INDIVIDUALS LIKELY TO BE AFFECTED

Respondents in Health Department enforcement actions.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

NYC Health Department rules (24 RCNY)

SCHEDULE FOR ADOPTION

Fall 2016

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

Food Service Establishment Inspection Procedures

SUMMARY OF PROPOSED RULE

Update Chapter 23, Appendix A, B and C (Food Service Establishment Inspection Procedures) of Title 24 of the Rules of the City of New York to reflect recent amendments to Article 81 of the New York City Health Code.

REASON WHY ACTION IS BEING CONSIDERED

To align Chapter 23 with the amendments made to Health Code Article 81.

INDIVIDUALS LIKELY TO BE AFFECTED

The public, permittees, owners and managers of all food service establishments.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

10 NYCRR Chapter I of the State Sanitary Code, Part 14, Subpart 14-1

Article 71 of the New York City Health Code

Article 81 of the New York City Health Code

SCHEDULE FOR ADOPTION

Fall 2016

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

Window Guards

SUMMARY OF PROPOSED RULE

Repeal and reenact Chapter 12 of Title 24 of the Rules of the City of the New York City to update specifications for window guards and other limiting devices and procedures for obtaining Department approval of window guards and limiting devices; update lease notice an annual notice provided to tenants.

REASON WHY ACTION IS BEING CONSIDERED

To reflect technical changes in window design and structure, and to streamline the approval process for window fall prevention devices (guards and limiting devices).

INDIVIDUALS LIKELY TO BE AFFECTED

Building owners and landlords of multiple dwellings where children 11 years or younger reside.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

§ 131.15 of the New York City Health Code
Chapter 12, Title 24 of the Rules of the City of New York
§17-123, Title 17 of the Administrative Code of the City of New York
§27-2043.1, Title 27 of the Housing Maintenance Code

SCHEDULE FOR ADOPTION

Spring 2017

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