

Statement of the Chief Medical Examiner

Committee on Health

Counsel of the City of New York

October 11, 2007

My prepared remarks will address the request by the Office of Chief Medical Examiner to amend Section 557 of the City Charter. It is that Section of the Charter which is our enabling legislation, defining our powers, duties and obligations.

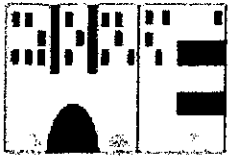
The Office of Chief Medical Examiner is responsible for determining the cause and the manner of death in all deaths which are sudden, violent, or unexpected. In addition to the approximately 5500 autopsies performed annually by our Medical Examiners, our Office is responsible for transporting and storing remains of unidentified and unclaimed decedents.

The fact is, however, that the services provided by the Office of Chief Medical Examiner extend much further. We obtain DNA samples from decedents and from their families, or confirmed personal effects, in order to identify them. Our Department of Forensic Biology performs DNA analysis on crime scene evidence to assist the New York City Police Department in solving homicides, sexual assaults, and, most recently, property crimes and assault cases. In addition, our DNA Laboratory is asked to develop

the known DNA profiles of live persons, namely, suspects and persons for purposes of exclusion. We are also validating diagnostic procedures to identify genetic abnormalities that may cause or contribute to death.

These agency services are all provided by our borough offices, as well as the new OCME facility in which our Forensic Biology Laboratory is located and which opened in February of this year. This building also houses administrative and information technology staff, a 250-seat auditorium, and over 5 floors of laboratory space. We have increased our staff by over 200 individuals since 2004 and we intend to reach full staffing in 2009. Over the course of the next three years, our annual Forensic Biology caseload is expected to rise from 3000 to an estimated 18,000, including all criminal cases with DNA evidence in New York City.

The last few decades have seen an explosion in our knowledge and ability to use DNA technology in forensics. Our current laboratory is the natural outgrowth of the serology laboratory of the 1980's, which could test only for the presence of blood and/or semen and identify blood type. The City Charter, by virtue of which we exist, must keep abreast of growth in science and medicine. Our enabling legislation needs to reflect that which we do on a regular basis to serve the citizens of our city. We seek to amend Section 557 of the New York City Charter authorizing the Office of Chief Medical Examiner to provide these services and to allow us to remain at the cutting edge of this exciting field.



Comments of WE ACT for Environmental Justice, Inc.
Delivered by: Kizzy Charles-Guzman, Environmental Policy Coordinator
(212) 961-1000 ext 317

Testimony before the New York City Council Committee on Health;
The Honorable Joel Rivera, Chair

Re: Oversight—An update on Implementation of the Laws on Neighbor Notification on Pesticide Application and Pesticide use by city agencies; and
Int. No. 619, in relation to reporting on pesticide use by city agencies.

October 11, 2007

Good afternoon Chairperson Rivera, and members of the Health Committee. Thank you for the opportunity to provide testimony today. My name is Kizzy Charles-Guzman and I am the Policy Coordinator for WE ACT for Environmental Justice. WE ACT is a community-based organization whose mission is to build community power to fight environmental racism and improve environmental health, protection and policy in communities of color. For years WE ACT has worked to protect public health and the environment by reducing the use of hazardous pesticides and expanding the public's right-to-know.

WE ACT was also a community partner to the Mothers & Newborns study of the Columbia University Center for Children's Environmental Health; which found that insecticide exposure is widespread among minority women in New York City. 100% of the pregnant women sampled for this study had detectable levels of chlorpyrifos, an insecticide that the EPA banned from residential use in 2000. Columbia researchers also found a strong correlation between the amount of the insecticide in the baby's umbilical cord blood and the baby's weight and length. That is, mothers with the highest levels of chlorpyrifos and diazinon in their umbilical cord blood gave birth to lighter and shorter babies than those born to moms with no detectable levels of the substances.

The good news is that the average birthweights of the infants increased after both of these substances were banned between 2000 and 2002. The bad news is that toxic substances are heavily used in public housing, public schools, and city parks in New York City. Pesticides – which include a variety of chemicals designed to kill or repel living things – can cause many health problems. Medical research suggests links between pesticide exposure and asthma and respiratory distress, neurological impairment and learning disabilities, immune system damage, cancer, childhood brain tumors, hormone disruption, liver damage and birth defects. Developing fetuses and children are more vulnerable to this risk. Many people with asthma also find pesticides to be a potent trigger. For these reasons, health experts around the country have decried the routine use of chemical pesticides, especially in high-risk indoor residential settings, schools, daycare centers and playgrounds and public buildings.

Thus, it is obvious why the use of toxic pesticides in our neighborhoods is a concern for us. Whether it is pesticide manufacturers targeting so-called "inner-city" communities for marketing their products by preying on fears of roaches causing asthma attacks, or the public housing authority or other agencies using pesticides in public housing and public parks, low-income residents in this city are subject to pesticide exposure.

WE ACT strongly supported the passage of the NYC Pesticide Reduction Law, mandating city agencies and their contractors to phase out the use on city property of pesticides that are known or suspected to cause cancer or developmental effects, and to adopt less toxic alternatives for pest control.

We now support Int. No. 612, which relates to reporting on pesticide use by city agencies, because it improves the quality of the reporting process outlined in the original law. This amendment mandates the commissioner to review and analyze the reports submitted by each agency—thus enhancing their accountability—and to submit a summary report to the speaker of the council. This summary is to include disaggregated data by agency on the amount, frequency and type of pesticide used by each city agency.

We believe that this annual summary report must be made publicly available; building on the principle of community-right-to-know. This summary report will allow the City Council and public health advocates to better evaluate city agencies' pesticide use for local law compliance, to track the quantity and types of products they use on a daily, weekly, monthly or annual basis, and to evaluate pesticide use for recommendations for modifying prohibition lists or for developing and targeting Integrated Pest Management demonstration efforts.

Pesticides can pose many health risks, even when used and applied in full compliance with the recommendations of the manufacturers and in compliance with all legal requirements. We urge the City Council to continue to protect children, families and workers from exposure to dangerous chemical pesticides by supporting this amendment to the existing local law and by continuing to provide oversight on the implementation of the Law on Neighbor Notification on Pesticide Application and the Law on Pesticide Use by City Agencies.

Again, thank you for the opportunity to testify and for your support and continued leadership on this important issue.



THE CITY OF NEW YORK
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

Thomas R. Frieden, M.D., M.P.H.
Commissioner

nyc.gov/health

TESTIMONY

OF

**DANIEL KASS, ASSISTANT COMMISSIONER,
ENVIRONMENTAL SURVEILLANCE AND POLICY
NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

BEFORE THE

**NEW YORK CITY COUNCIL
COMMITTEE ON HEALTH**

REGARDING

PESTICIDE USE IN NEW YORK CITY AND INTRO 612A

**OCTOBER 11, 2007
CITY COUNCIL
COUNCIL CHAMBERS, 1PM**

Good afternoon Chairperson Rivera and members of the Committee on Health. I am Dan Kass, Assistant Commissioner for Environmental Surveillance and Policy at the Department of Health and Mental Hygiene (DOHMH). With me today is Edgar Butts, Assistant Commissioner for Pest Control and Veterinary Affairs. On behalf of Commissioner Frieden, I would like to thank you for the opportunity to discuss pesticide use in New York City.

Local Laws 36 and 37 were adopted in May 2005. Local Law 36 opted New York City into the New York State Pesticide Neighbor Notification Law, while Local Law 37 regulated the City's use of pesticides on City-owned property. These laws share the common goals of promoting safer pest control and reducing potential exposure to pesticides.

With Local Law 36, New York City joined eight other New York State counties in an effort to prevent unwanted pesticide exposure by adopting the State's Pesticide Neighbor Notification Law. The law took effect on January 1, 2006, and required commercial lawn pesticide applicators give neighbors written notice 48 hours before spraying certain pesticides, required homeowners who use lawn pesticides to post warning signs on their property and required retail stores selling pesticides to post informational signs. The goal of the Pesticide Neighbor Notification Law is to minimize exposure to hazardous pesticides; it applies to pesticide applications on private property, to abutting properties, and to liquid spray applications.

To promote public awareness about Local Law 36, the Department launched a special website that includes details about the law and provides separate fact sheets for building owners, commercial lawn care pesticide applicators, homeowners, and retailers of pesticides. We also provide a downloadable and printable sign for posting on lawns and in retail stores when pesticides have been applied. The website also includes links to information about safer approaches to lawn care. We mailed fact sheets to the 581 State licensed applicators of lawn care pesticides in the New York City area detailing their obligations under the law, the more than 600 hardware and home improvement stores in the area, and made presentations to several trade associations about Local Law 36. The City's 311 help and information line routes questions and complaints about failure to notify directly to DOHMH.

Local Law 37 addresses the way New York City applies pesticides on City-owned and leased property. There are four essential features to the bill: pesticide prohibitions and waivers; prior notification; the creation of a Pest Management Committee and integrated pest management planning process, and public reporting of pesticide use. Two-and-a-half years after the passage of the law, New York City now prohibits, and agencies have significantly reduced their use of, highly toxic pesticides, pesticides containing carcinogens, and pesticides containing developmental and reproductive hazards.

When the law took effect, it was difficult for decision-makers to evaluate whether a given product could be legally used by the City because its status depended on both its label warnings and its chemical ingredients. Before the first prohibition went into effect, the Department created a publicly accessible on-line tool that reports the prohibition status of any pesticide registered in the United States. The tool reports the reason and effective date for the prohibition. The public availability of this tool has enabled pest control professionals and pesticide manufacturers and

distributors to shift their purchasing and marketing strategies to support compliance, and we also hope that it helps inform decision-making on private property.

While the City may provide temporary waivers from pesticide prohibitions, decisions on whether to grant or deny these requests are based on the potential for human exposure, the severity of a pest problem and its health risk, and the availability and assessment of alternative products or methods. The waiver process has enabled the Department to play a consultative role with other agencies to avoid the use of certain products, and to help agencies adopt approaches to pest control that avoid the need for pesticide use. A copy of all the waivers issued by the Department is available on our Local Law 37 website.

New York City agencies and their contractors now provide a minimum of 24-hour notice for most pesticide applications, and the Department has provided agencies with detailed information on when, where, and how to post these notices.

Local Law 37 set forth a process for planning and adopting integrated pest management, an approach to pest control that considers biological, mechanical and cultural factors that contribute to pest infestations and to their solution. In July 2005 the Department convened the first meeting of the City's Inter-Agency Pest Management Committee. While the law mandates the participation of just a handful of agencies, the Committee has had consistent participation by many more, including the Departments of Citywide Administrative Services, Environmental Protection, Homeless Services, Housing Preservation and Development, Aging, Corrections, Transportation, Sanitation, Education, and Parks and Recreation. The Housing Authority and Health and Hospitals Corporation are also involved.

To date, the Pest Management Committee met four times, and transmitted its first integrated pest management plan to the Council in January 2007. The plan detailed progress implementing Local Law 37 and set forth several goals for the coming year. The Committee is scheduled to meet again on November 1st and we will provide the Council with an update in January 2008.

While some agencies employ their own pest control professionals, others contract for pest control services. Contractor pest control activity is also regulated by Local Law 37. This year DCAS issued a new umbrella contract from which agencies may purchase pest control services. Rather than routine exterminations, agencies may now, for the first time, opt for integrated pest management services that offer comprehensive evaluation of conditions, pest management planning, and ongoing monitoring of the results of preventive and responsive actions. With City Council funding for enhanced rodent control this year, DOHMH will be the first purchaser of these services. Unfortunately, most pest control companies in New York City continue to offer traditional, largely chemical-only services. Reducing unnecessary pesticide use in New York City will depend on changing practices industry-wide, changes not entirely within the control of New York City government.

Indeed, New York City's agencies apply only a very small fraction of the total quantity of pesticides used each year in the City. We have been working hard to spread the word outside City agencies about safer alternatives to chemical-only pest control. Since cockroach and other pests can trigger asthmatic attacks, our Childhood Asthma Initiative, with the help of City

Council funding, directly funds integrated cockroach and mouse control in more than 800 homes annually. Our Rodent Academy, which trained hundreds of City workers last year on integrated pest management techniques for rodent control, will begin this year to train private exterminators. This year we will also begin an initiative that provides much better information to owners of property with indicators of rat activity on how to correct conditions and how to choose exterminators.

In furtherance of our goal to control pests in the safest and most effective manner, the Department, with a grant from the Centers for Disease Control and Prevention, has been tracking the presence of pests, the use of legal and illegal pesticides, and the health consequences of accidental exposures. We have published a variety of reports and alerts, and make frequent presentations to communities on the subject of safer pest control. In addition, the Department has distributed more than 80,000 English and Spanish language copies of our guide on how to control pests safely.

Local Law 37 also requires City agencies to report detailed information to the Council and to DOHMH on their use of pesticides. Pesticide reporting allows the City to evaluate its use of pesticides, track trends, check compliance with prohibitions, and evaluate opportunities to further reduce the City's use of pesticides. In February of this year, the Department and the Council received reports from agencies in a variety of formats, including spreadsheets, scanned images of field reports and piles of paper records. Unfortunately, the wide variation in reporting formats and large volume of application data make it difficult to summarize and analyze the data received from each agency. To address this problem, the Department created a web-based electronic pesticide use reporting system. Launched earlier this year, the system is available to all agencies, City-employed exterminators, and private applicators, whether contracted by New York City or not. We have been actively training agency personnel in its use, and are happy to report that agencies are beginning to adopt the system.

Intro 612A would amend Local Law 37 by requiring that agencies report exclusively to DOHMH in a form and manner prescribed by the Commissioner, and require us to submit an annual summary report, disaggregated by agency, to the Council beginning in May 2008. DOHMH supports Intro 612A, and will work with our sister agencies to more clearly define the process by which each agency must submit their pesticide application data. We anticipate this process could be in place and fully operational in time for the 2009 report.

Thank you, again, for the opportunity to discuss this important issue. We look forward to continuing our work with the Council toward the goal of reducing pesticide use in NYC. We will be happy to answer your questions