



## Committee on Environment, Health & Energy

~MINUTES~

Monday, April 15, 2019

1:01 PM

Committee Chair: Nancy Barr

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

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### CALL TO ORDER

Joint with Legislation

With a quorum present, Chair Nancy Barr called the meeting to order at 1:07 PM.

Attendee Name	Title	Status	Arrived
Nancy Barr	Chair	Present	
Catherine Borgia	D9 Legislator	Present	
Kitley Covill	D2 Legislator	Present	
Catherine Parker	D7 Legislator (Majority Leader)	Present	
MaryJane Shimsky	D12 Legislator (Majority Whip)	Present	
John G. Testa	D1 Legislator (Minority Leader)	Present	

### MINUTES APPROVAL

1. Tuesday, March 19, 2019 at 11:01 AM

**With a motion by Legislator Shimsky and seconded by Legislator Covill the item was approved with a vote of 7-0.**

2. Monday, March 25, 2019 at 10:05 AM

**With a motion by Legislator Shimsky and seconded by Legislator Covill the item was approved with a vote of 7-0.**

3. Tuesday, March 26, 2019 at 1:00 PM

**With a motion by Legislator Shimsky and seconded by Legislator Covill the item was approved with a vote of 7-0.**

### I. ITEMS FOR DISCUSSION

1. **RES-2019-125 Resolution – PH-Regulate Use of Expanded Polystyrene Containers:**

A Public Hearing entitled "A LOCAL LAW amending Chapter 540 of the Laws of Westchester County by regulating the use of expanded polystyrene containers at food service establishments." [The Public Hearing will be held on May 20, 2019 at 7:30 p.m.; LOCAL LAW INTRO No. 11613-2019.]

A new version was handed out and Ms. Dolgin-Kmetz went through the changes. Sec. 863.1702 Definitions - in 3 2nd line - "forks, spoons, Knives" was deleted. 4-Food service

vendor-line 5 - "schools" was deleted. A discussion on deleting items on line 5 & 6 - "religious or civic organizations or any other non-profit organizations" ensued.

Mr. Maisano noted that the original law had "or any other non-profit organizations". He said that we had added in "or sales by schools, religious or civic organizations". Mr. Maisano noted that Consumer Protection is okay with any decision the committees make. A long discussion followed.

The Committees decided that they would like to see other changes made and asked Ms. Dolgin-Kmetz to make the following changes: In sec.863.1702 4-line 1-after "shall mean any" add temporary food service establishment. On line 3-after delicatessen, add schools, colleges and universities. On line 4 after "sells prepared food add or sells food service wares. line 1 - after "restaurant," add cafeteria.

Legislator Covill noted a typo in section 863-1702 5 - Prepared food - line 5- add an m to the word "eat" for it to be meat.

Ms. Dolgin-Kmetz continued with the changes in section 863-1702 5. She noted that beginning on line 4- "The term "prepared food" does not include fresh produce"(was moved up from back of list), "eggs," or any raw or uncooked meat, "fish, seafood, or poultry that is sold from a butcher case of similar retail appliance" and packaged by an outside vendor. Mr. Maisano asked if Consumer Protection could add one word, raw eggs. The committees agreed. The committees also asked to delete "and packaged by an outside vendor" and end the sentence at "appliance."

Legislator Covill suggested that we now move on to Section 863.1704 - Enforcement and penalties - They discussed the legal issues of enforcing the same law done by two different agencies. Ms. Dolgin-Kmetz explained the reason for writing the law this way. Both the Dept. of Consumer Protection and Health will issue tickets, but all violations will be returnable to the Office of Weights and Measures-Consumer Protection. A discussion ensued. Chair Covill suggested that there should be a sub-meeting among the parties concerned to try to work out these difficulties especially since we are losing the law department now.

<b>RESULT:</b>	<b>PENDING</b>
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**2. LL-2019-7 Local Law – LL- Regulate Use of Expanded Polystyrene Containers:**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 540 in relation to regulating the use of expanded polystyrene containers and packaging at food service and retail establishments.

<b>RESULT:</b>	<b>PENDING</b>
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## II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

Legislator A. Williams asked about the measles outbreak.

Commissioner Amler, Department of Health (DOH) discussed the efforts Westchester has taken to address the issue. Currently, there are 10 cases of measles in Westchester. There were 10 public clinics available to residents to administer the measles vaccine free of charge and there will be more. They Health Department has been making efforts to work with impacted communities to manage the outbreak. There has been many Press Conferences about the outbreak and the messaging has been to get vaccinated. It is imperative that

younger children be vaccinated. Measles can result in death and the DOH does not want the public to wait until there is death in order to begin to take health risk seriously.

Legislator Borgia asked if older people should be concerned if they had not been vaccinated since childbirth.

Commissioner Amler responded that as long as a person has had two doses of the vaccine then they are clear and do not to be vaccinated.

The DOH only vaccinates children who are 12 months old or older. There is a travel vaccine available for children as young as 6 months-12 months but it does not exempt them from getting the two necessary doses of MMR ( Measles, Mumps and Rubella) vaccine when they are passed 12 months of age. The travel vaccine is a temporary immunity to the disease. It is only encouraged for families in impacted communities or children that are traveling to areas where the disease is prominent.

### III. RECEIVE & FILE

1. **(ID # 11715) Communication – HON. NANCY E. BARR: NYTimes Article - "CBD Is Everywhere, but Scientists Still Don't Know Much About It":**

Forwarding a *New York Times* article entitled, "CBD Is Everywhere, but Scientists Still Don't Know Much About It."

<b>RESULT:</b>	<b>RECEIVED AND FILED</b>
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2. **(ID # 11718) Communication – HON. NANCY E. BARR: NYTimes Article - "Teenagers Say Depression and Anxiety Are Major Issues Among Their Peers":**

Forwarding a *New York Times* article entitled, "Teenagers Say Depression and Anxiety Are Major Issues Among Their Peers."

<b>RESULT:</b>	<b>RECEIVED AND FILED</b>
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3. **(ID # 11720) Communication – HON. KITLEY S. COVILL: Various Articles on Plastic and Polystyrene:**

Forwarding various articles on plastic and polystyrene.

<b>RESULT:</b>	<b>RECEIVED AND FILED</b>
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4. **(ID # 11722) Communication – HON. DAVID J. TUBIOLLO: Komonews.com Article - "Hidden Epidemic: A daily drug overlooked amid opioid crisis":**

Forwarding an article from *Komonews.com* entitled, "Hidden Epidemic: A daily drug overlooked amid opioid crisis."

<b>RESULT:</b>	<b>RECEIVED AND FILED</b>
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5. **(ID # 11730) Communication – LEGISLATORS BARR AND COVILL:  
MidHudsonNews.com Article - "Rockland County Lawmakers Ban Single-Use  
Plastic Bags":**

Forwarding a *MidHudsonNews.com* article entitled, "Rockland County Lawmakers Ban Single-Use Plastic Bags."

<b>RESULT:</b> <b>RECEIVED AND FILED</b>
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## ADJOURNMENT

Moved by Legislator Covill seconded by Legislator Shimsky the Committee adjourned at 2:07 PM.