

Legislation Meeting Agenda



Committee Chair: Colin Smith

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, May 22, 2023

1:00 PM

Committee Room

CALL TO ORDER

Joint with Appointments committee.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510.

MINUTES APPROVAL

Monday, May 15, 2023 at 1:00 p.m.

I. ITEMS FOR DISCUSSION

Guests: Law Dept.: Chief Deputy County Attorney Stacey Dolgin-Kmetz; Dept. of Health: Dr. Sherlita Amler, Commissioner

1. [2023-187](#) PH-Establishing a Subcommittee of the African American Advisory Board

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester." [Public Hearing set for _____, 2023 at _____.m.]. LL Intro: 2023-188.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND APPOINTMENTS

2. [2023-188](#) LOCAL LAW-Establishing a Subcommittee of the African American Advisory Board

A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND APPOINTMENTS

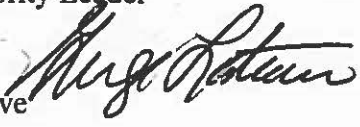
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: **Message Requesting Immediate Consideration: LOCAL LAW –
Establishing a Subcommittee of the Westchester County African
American Advisory Board.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is a Local Law amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African American Advisory Board. This amendment may be referred to as the “Addressing Asthma in Communities of Color Amendment.”

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Local Law, which would amend Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester. This amendment may be referred to as the “Addressing Asthma in Communities of Color Amendment.”

According to a recent Westchester County Department of Health Community Health Assessment, nearly 10% of adults within the County reported having asthma, with the rates higher among the County’s Black and Hispanic residents. Additionally, the New York State 2021 Health Equity Reports—which present data on health outcomes for cities and towns with a 40% or greater non-White population—highlight the prevalence of asthma in communities of color in Westchester County. These reports show that the rates of emergency department visits for asthma in Yonkers, Peekskill, and Mt. Vernon far exceeded both the New York State and Westchester County averages, for all ages of patients, and particularly for patients ages 0-4 years.

Asthma is a treatable disease, but access to healthcare for ethnic minorities and communities of color is often hampered by socioeconomic disparities, shortages of primary care physicians in minority communities, and language and literacy barriers, among other things. Clear disparities have emerged, showing that the burden of asthma falls disproportionately on African American, Black, and Hispanic populations, and especially on children in these communities. In recent years, children have died preventable deaths in the County as a result of untreated asthma.

The attached Local Law, if adopted, would create a Subcommittee of the African American Advisory Board, to: study asthma risk factors for people of color in Westchester County, identify existing barriers to asthma treatment and care among racial and ethnic minorities, develop strategies for addressing the lack of health care in these communities, and launch a County-wide asthma

awareness campaign to educate County residents about the disease, its symptoms, and the ability to better manage asthma through prevention and treatment.

This legislation is patterned after proposed New York State legislation (S.410A, A.5828 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Addressing Asthma in Communities of Color Amendment.

Sincerely,



GEORGE LATIMER
County Executive

GL/nn

¹ The bill was passed with overwhelming support in both the Senate and the Assembly. On November 23, 2022, the Governor vetoed the bill, along with 38 others that would have established various commissions and task forces, because of their collective fiscal impact (which was not accounted for in the State Financial Plan), and the potential for creating duplication, unnecessary bureaucracy, and staffing burdens on state agencies. The Governor did note the importance of many of the proposed studies, task forces, and commissions in the vetoed bills, however, and accordingly directed state agencies and her office to address the issues identified in the bills with existing resources to the extent practicable.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.” This amendment may be referred to as the “Addressing Asthma in Communities of Color Amendment.”

Your Committee is aware that, according to a recent Westchester County Department of Health Community Health Assessment, nearly 10% of adults within the County reported having asthma, with the rates higher among the County’s Black and Hispanic residents. Additionally, the New York State 2021 Health Equity Reports—which present data on health outcomes for cities and towns with a 40% or greater non-White population—highlight the prevalence of asthma in communities of color in Westchester County. These reports show that the rates of emergency hospital visits for asthma in Yonkers, Peekskill, and Mt. Vernon far exceeded both the New York State and Westchester County averages, for all ages of patients, and particularly for patients ages 0-4 years.

Your Committee understands that asthma is a treatable disease, but that access to healthcare for ethnic minorities and communities of color is often hampered by socioeconomic disparities, shortages of primary care physicians in minority communities, and language and literacy barriers, among other things. Clear disparities have emerged, showing that the burden of asthma falls disproportionately on African American, Black, and Hispanic populations, and especially on children

in these communities. In recent years, children have died preventable deaths in the County as a result of untreated asthma.

Your Committee is informed that this Local Law, if adopted, would create a Subcommittee of the African American Advisory Board, to study asthma risk factors for people of color in Westchester County; identify existing barriers to asthma treatment and care among racial and ethnic minorities; develop strategies for addressing the lack of health care in these communities; and launch a County-wide asthma awareness campaign to educate County residents about the disease, its symptoms, and the ability to better manage asthma through prevention and treatment.

Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.410A, A.5828 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning,

¹ The bill was passed with overwhelming support in both the Senate and the Assembly. On November 23, 2022, the Governor vetoed the bill, along with 38 others that would have established various commissions and task forces, because of their collective fiscal impact (which was not accounted for in the State Financial Plan), and the potential for creating duplication, unnecessary bureaucracy, and staffing burdens on state agencies. The Governor did note the importance of many of the proposed studies, task forces, and commissions proposed in the vetoed bills, however, and accordingly directed state agencies and her office to address the issues identified in the bills with existing resources to the extent practicable.

dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated: _____, 2023

White Plains, New York

COMMITTEE ON

SCM—04/12/23

RESOLUTION NO. ____ – 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2023, entitled “A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.” The public hearing will be held at __.m. on the ____ day of _____, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 277.421 of the Laws of Westchester County is hereby amended by adding a subsection to subdivision (1) to read as follows:

Sec. 277.421. - Advisory Board established.

1. There shall be a Westchester County African-American Advisory Board which shall consist of an odd number of members of not less than nine, and not more than 45. The members shall have demonstrated their concern for and interest in the African-American population.

a. Members shall be appointed by the County Executive and shall serve for a term of two years, except that of the members first appointed to such board, 60 percent shall be appointed for a term of one year and 40 percent for a term of two years. Upon the expiration of the term of office of any member, his or her successor shall be appointed to membership on such board for a term of two years. Any member subsequently appointed to the board shall be appointed for a two-year term. The Director of the Office of Affirmative Action may serve as an ex officio member at the discretion of the board. Members shall be residents of Westchester County. One member shall be designated by the County Executive as Chairman. A vacancy in the membership shall be filled in the same manner as the original appointment.

b. Each member shall have the ability and willingness to give the necessary amount of time to the responsibility of being a board member.

c. A Subcommittee shall be established to study the high rates of asthma in minority communities in Westchester County. The County Executive shall appoint five (5) members to such Subcommittee from among Advisory Board members. The County Commissioners of Health, Social Services and Planning or their designees shall serve as Ex-Officio members of such Subcommittee.

The Subcommittee shall be tasked with:

(i) assessing the asthma risk factors for the minority

residents of the County;

(ii) identifying existing barriers to quality asthma treatment and care among

racial and ethnic minorities;

(iii) developing evidence-based intervention strategies for addressing the lack of

health care in these communities; and

(iv) launching a County-wide asthma awareness campaign to educate

County residents about the disease, its symptoms, and the ability to better

manage asthma through prevention and treatment.

The Subcommittee shall consult with representatives of minority and

low-income communities, health care professionals with knowledge and

experience in the prevention and treatment of asthma, and community

groups that advocate for environmental justice issues. The Subcommittee shall deliver an

annual report addressing various asthma program successes, new trends, data and issues

surrounding minority populations suffering from asthma to the County Executive and Board of Legislators beginning September 1, 2025, and annually thereafter.

§ 2. This Local Law shall take effect immediately.

Sdk-4-12-23

EANY SUPPORTS

Environmental

Advocates

NY

Memo #14

Addressing Asthma in Communities of Color

[A.5828 \(Reyes, et al.\)](#)

[S.410-A \(Biaggi, et al.\)](#)

Explanation:

This bill will help address the long-standing and chronic issue of disproportionate rates of asthma in communities of color by requiring the Department of Health to create a Minority Coordinating Council on Asthmatic Affairs. The Council will assess asthma risk factors in communities of color, identify existing treatment barriers in these communities, develop intervention strategies and implement an asthma awareness campaign.

According to the World Health Organization, about half of asthma cases are due to environmental factors. Environmental risk factors for asthma include indoor and outdoor allergens like air pollution, smoke, chemical irritants, dust, mold, and pollen. Particle pollution, specifically particulate matter 2.5, is [the largest environmental risk factor](#) in the United States, and has been linked to the development of asthma in children. [The majority of airborne](#) pollution is a result of the combustion of fossil fuels for transportation, power plants and industries.

Asthma rates are disproportionately high among people of color, with Black children almost twice as likely to develop asthma than white children according to the [New York State Department of Health](#). These high asthma rates in communities of color are closely linked with areas of high air pollution. The West Bronx is the most polluted census tract in the Northeast, where more than [90% of residents](#) are people of color, and children in the Bronx [are twice as likely](#) to be hospitalized for asthma, and more likely to die of asthma.

Asthma rates in communities of color can be prevented and reduced in part by reducing air pollution within those communities. By creating a Minority Coordinating Council on Asthmatic Affairs, the Department of Health in coordination with the Department of Environmental Conservation, will be able to recommend localized solutions to reducing air pollution which will result in lower asthma rates and healthier communities. The Climate Leadership and Community Protection Act (CLCPA) requires state agencies to consider the impact that a decision will have on disadvantaged communities and the impact on the climate. The work of this Council will complement the CLCPA by demonstrating how harmful pollution is to the health of New Yorkers, and how especially deadly it continues to be for communities of color.

Summary:

This bill would establish a Minority Coordinating Council on Asthmatic Affairs within the Department of Health. The Council will assess asthma risk factors for residents of color within the state, identify barriers to treatment and care, develop intervention strategies and create an awareness and education campaign to manage asthma rates in communities of color through prevention and treatment. Members of the Council would include representatives from low-income communities of color, healthcare professionals, and leaders from environmental justice groups.