

Environment, Energy & Climate



BOL Meeting Minutes - Published Draft

Committee Chair: Nancy Barr

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

Monday, January 23, 2023

1:00 PM

Committee Room

CALL TO ORDER

Joint with Legislation 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.

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

With a quorum present, Vice-Chair Pierce called the meeting to order at 1:42 p.m.

Others in Attendance: BOL: Legislators: Colin Smith, Vedat Gashi, Ben Boykin, James Noland, and Damon Maher; Committee Coordinators: Jill Axelrod, James Silverberg, and Beth LoBello; Melanie Montalto; Law Dept.: Shawna MacLeod; Health Dept.: Dr. Sherlita Amler and Chris Ericson; DEF (Remote): Lou Vetrone and Melissa Rotini

Present: Committee Chair Barr, Legislator Parker, Committee Vice-Chair Pierce and Legislator Williams Johnson

Absent: Legislator Tubiolo

MINUTES APPROVAL

Tuesday, November 1, 2022 at 2:30 p.m.

On motion of Legislator Williams Johnson, seconded by Legislator Parker, the minutes were approved. The motion carried by the following vote:

Aye: Committee Chair Barr, Legislator Parker, Committee Vice-Chair Pierce and Legislator Williams Johnson

Absent: Legislator Tubiolo

I. ITEMS FOR DISCUSSION

Guests: Law Dept.: Shawna MacLeod, Senior Assistant County Attorney; Health Dept.: Christopher Ericson, Deputy Commissioner of Environmental Health

1. [2022-522](#) LEGISLATORS PIERCE, BARR, WOODSON-SAMUELS, PARKER,

MAHER, ALVARADO, BORGIA AND WILLIAMS JOHNSON - PH - Single Use Foodware

Ms. MacLeod reviewed the changes to the legislation. She said there were a few minor changes to the wording to ensure clarity and consistency. She stated that it was determined after consultation with the Health Department that certain facilities warranted exemption from the restrictions. She said the reverse preemption provision was eliminated, which will be happening across the board with legislation.

Dr. Sherlita Amler, Commissioner of the Department of Health, and Mr. Ericson voiced the concerns the Health Department had regarding the legislation. Mr. Ericson said there is a public health concern regarding hospitals, nursing homes or other congregate settings where there is potential for widespread infectious disease, and it was important to exempt them and allow them to provide bundle single-use food ware or condiment packets to patients or residents.

He also said that the requirement that there be a declared public health emergency for exemption is too high a level. There may be smaller situations where we may want to encourage a facility to use bundled utensils, so that should be at the discretion of the Commissioner. Dr. Amler suggested using the phrase "any time the Commissioner deems necessary." Ms. MacLeod she said she will work on the language.

Lou Vetrone, Deputy Commissioner of DEF, and Melissa Rotini, Assistant Commissioner of DEF, discussed their concerns. Mr. Vetrone said that this is a waste disposal issue as well, and DEF should also be given enforcement authority. He also said that the committee report should be amended to reflect that while plastic stirrers are prohibited, wooden stirrers are completely compostable and therefore acceptable. Ms. Rotini said the legislation should clarify that it does not require restaurants to provide single use items to customers who are dining in.

Ms. MacLeod said in light of the fact that the Law Department just received the changes proposed by DEF, they will need time to review them in order to incorporate them.

This RESOLUTION - Public Hearing was continued

2. [2022-523](#) **LEGISLATORS PIERCE, BARR, WOODSON-SAMUELS, PARKER, MAHER, ALVARADO, BORGIA AND WILLIAMS JOHNSON - LL - Single Use Foodware**

See discussion of ID #2022-522 above.

This LOCAL LAW - Amendment to Local Law was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Williams Johnson, seconded by Legislator Parker, the Committee adjourned at 2:10 p.m. by the following vote:

Aye: Committee Chair Barr, Legislator Parker, Committee Vice-Chair Pierce and Legislator Williams Johnson

Absent: Legislator Tubiolo

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