

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 28

Introduced by Council Members Constantinides, Powers, Kallos, Yeger, D. Diaz and Ayala.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating a pilot program to test sewage for SARS-CoV-2

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

§ 24-531 Wastewater testing program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

PCR using NI Primer. The term “PCR using NI Primer” means the measurement of the copies of the targeted viral RNA segment in a wastewater sample using a polymerase chain reaction based method.

SARS-CoV-2. The term “SARS-CoV-2” means severe acute respiratory syndrome coronavirus 2, which is the strain of coronavirus that causes the disease COVID-19.

Wastewater-based epidemiology. The term “wastewater-based epidemiology” means the chemical analysis of pollutants, viruses and biomarkers in raw wastewater to obtain qualitative and quantitative data on disease activity among inhabitants within a given wastewater catchment.

b. The commissioner, in consultation with the commissioner of health and mental hygiene, shall establish a pilot sampling program to quantify the levels of SARS-CoV-2 RNA in sewage at

each city wastewater treatment plant in accordance with this section. Such sampling program shall occur on a frequency of no less than twice per week and shall include, but not be limited to, the measurement of the number of copies of SARS-CoV-2 RNA through the PCR using NI Primer testing method or another testing method that reflects industry best practices.

c. The duration of such pilot sampling program shall be no less than six months and the commissioner, in consultation with the commissioner of health and mental hygiene, shall collect sewage samples in an amount necessary to measure the copies of SARS-CoV-2 RNA.

d. No later than January 31, 2022, the commissioner shall submit to the mayor and speaker of the council a report, which shall include, but not be limited to the following:

1. Results of sampling, disaggregated by the site where the sample was collected, date sample was collected, and date sample was tested, in order to monitor the leading indicators of increases or decreases in COVID-19 presence in each drainage area throughout the study;

2. The total cost of such pilot program;

3. Analysis of the effectiveness of the pilot program in testing for SARS-CoV-2;

4. Recommendations to expand the pilot program to include sampling at manhole sites and pumping stations if wastewater-based epidemiology detects SARS-CoV-2 in an amount, as determined by the commissioner of health and mental hygiene, that indicates a localized concentration of COVID-19;

5. Recommendations to extend the pilot program for up to an additional six months if more testing is necessary, as determined by the commissioner, in consultation with the commissioner of health and mental hygiene;

6. A plan for weekly testing at each city wastewater treatment plant if the commissioner of health and mental hygiene or state commissioner of health declares that the incidence of SARS-CoV-2 is appropriate for such action or if the centers for disease control and prevention issues a SARS-CoV-2 pandemic declaration;

7. Recommendations to use a sequencing testing method other than PCR using N1 Primer to test samples, if the commissioner determines that such additional testing method is beneficial; and

8. Recommendations for making the pilot program permanent.

e. The information required by paragraph 1 of subdivision d of this section shall be maintained on the website of the city.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 11, 2021 and returned unsigned by the Mayor on March 15, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 28 of 2021, Council Int. No. 1966-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.