



NEW YORK STATE SENATOR

Mario R. Mattera

Senator Mattera And Senate Republican Conference Call On Department Of Health To Listen To Residents

MARIO R. MATTERA February 8, 2022

| ISSUE: **NEW YORK STATE DEPARTMENT OF HEALTH, COVID-19, NEW YORK STATE LEGISLATURE**



**Department
of Health**

Senator Mario R. Mattera (2nd Senate District) this week joined with his colleagues in the Senate Republican Conference to send a letter to the New York State Department of Health (NYSDOH) to outline their concerns with the continuation of COVID-related rules, such as mandating masks for school children, and to demand public input on proposed rules changes.

The letter to Commissioner Mary T. Bassett clearly states their collective concern with the approach that New York State has undertaken since the onset of COVID and addresses the NYSDOH's continued efforts to overwhelmingly control the lives of the residents. In the letter, they jointly call on the NYSDOH to end the numerous onerous mandates that all New Yorkers have been subject to since early 2020. They also point to the onset of legal action by residents, which continues to move through the court system, as an obvious sign that these overreaching Albany rules have run their due course and that the time to return to representative government is long overdue.

Additionally, they expressed their strong concerns over three proposals that are contained in a package of NYSDOH rule changes that will be part of an upcoming meeting. These rule changes are a continuation of the dictatorial approach of New York State and they collectively call for them to be rescinded.

Short of that, they urged the NYSDOH to open any deliberations on these proposals to a full public hearing that would allow concerned residents to provide input on these issues since they will have an impact on every facet of everyday life. That requires a full and open dialogue on how these rule changes will impact the residents who will be forced to comply.

"New York State must respect how government is designed to work by giving a voice back to its residents. They have been diligent in their efforts to protect one another and they deserve to have clear input in their lives. This one-size-fits-all approach by Albany has run its course and it is time for government to work for the people instead of the other way around," stated Senator Mattera.

"The Governor and her Department of Health have far exceeded their constitutional authorities in issuing these regulations, which I oppose. I am proud to stand with my Conference in demanding the DOH drop their appeal and for the legislature to be the sole

branch of government in charge of enacting laws,” said Senator Alexis Weik, 3rd Senate District.

Senator Anthony Palumbo (1st Senate District) said: “The time is long past due for the state to stop its top-down approach to the pandemic and end the mandates. This will allow for a more community focused solutions to better meet the needs of residents throughout Long Island and the State.”

Text of the Letter:

February 8, 2022

Dear Commissioner Bassett:

We write to reassert our continued concerns over the future of COVID mandates, and to request that our residents be allowed autonomy over their own lives. For the past two years, New Yorkers have lived under the strict regulations of both the Governor and the New York State Department of Health (NYSDOH). We respectfully submit that the time for that to end is now.

We are united in stating that onerous mandates, like the masking of our students throughout the school day, have run their due course. Our residents are so concerned about their loss of control that they are endeavoring to undue these mandates through court proceedings, as in the case with *Demtrou et al. v New York State Department of Health and Health Planning Council*. This is a clear sign that more and more residents feel they are being dictated to.

At the onset of COVID, extraordinary powers were granted – by the State Legislature – to the Executive to deal with an unprecedented crisis. While the execution of these powers became

controversial, at least all legislators had the opportunity to represent the voices of their constituents. Following our repeated efforts to repeal those powers, they have since expired, and New York State government was supposed to revert back to the normal checks-and-balances system that our State Constitution outlines.

Unfortunately, the Governor and NYSDOH have continually overreached by implementing emergency mandates without the input of the Legislature and, more importantly, the residents we jointly represent. This is unacceptable to us and we are urging that these efforts to control our state cease.

Moreover, instead of working with our residents, the NYSDOH is quietly working to make permanent these same overreaching regulations in what can only be viewed as a power grab.

Specifically, we are concerned with three proposals that are contained in the December 15, 2021 Vol. XLIII Issue 50 of the New York State Register:

- Amendment of Part 2, Section 405.3 and Addition of Section 58-1.14 to Title 10 NYCRR (Investigation of Communicable Disease; Isolation and Quarantine)
- Amendment of Section 2.60 of Title 10 NYCRR & Repeal of Subpart 66-3 of Title 10 NYCRR (Face Coverings for COVID-19 Prevention)
- Addition of Section 2.61 to Title 10 NYCRR, Amendment of Sections 405.3, 415.19, 751.6, 763.13, 766.11, 794.3 & 1001.11 of Title 10 NYCRR & Sections 487.9, 488.9 and 490.9 of Title 18 NYCRR (Prevention of COVID-19 Transmission by Covered Entities)

We urge the NYSDOH to either rescind these efforts or engender a public forum that actually allows the residents of this state to have a clear say. At the bare minimum, the NYSDOH must allow for a transparent and open public dialogue on these new rules. Many

New York State residents would like to provide their input on the state's efforts to exert excessive control over their lives and we believe they deserve that opportunity.

These concerned citizens have written to the NYSDOH and submitted petitions seeking a hearing and we fully support their efforts. We, as their duly elected representatives, are calling for Albany to end the overreach and for our state to acknowledge the input of its residents.

This is too vital an issue to have even the slightest appearance of impropriety, an open dialogue is the only responsible path forward. Our residents have been diligent in working to protect one another throughout this crisis and they deserve respect from their state government.

We look forward to a prompt reply to this request as we are aware that the public comment period ends on Monday, February 14, 2022.

Respectfully,

Senator Mario R. Mattera

Senator Robert G. Ort

Senator Fred Akshar

Senator George M. Borrello

Senator Daphne Jordan

Senator Andrew Lanza

Senator Mike Martucci

Senator Peter Oberacker

Senator Thomas F. O'Mara

Senator Anthony H. Palumbo

Senator Daniel G. Stec

Senator Alexis Weik