



# Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**JOHANNE E. MORNE, M.S.**  
Executive Deputy Commissioner

September 23, 2024

Re: Declaration of an Imminent Threat to Public Health for Mosquito-Borne Disease

Dear Local Health Department Commissioner/Public Health Director:

Eastern Equine Encephalitis (EEE) is an extremely rare but serious and often fatal infection that causes encephalitis or inflammation of the brain. It is spread by the bite of a mosquito infected with EEE virus (EEEv). EEEv can also infect a wide range of animals including mammals, birds, reptiles, and amphibians. The spread of EEEv to mammals (including humans and horses) occurs through the bite of infected mosquitoes that feed on both birds and mammals. Anyone can be infected with EEEv, especially if they live, work, or visit areas where EEEv is present. People over the age of 50 and younger than the age of 15 are at greatest risk for developing severe disease when infected with EEEv. There is no specific treatment for EEEv. Treatment focuses on supportive therapy, including hospitalization, respiratory support, intravenous fluids, and prevention of other infections. There is no human vaccine for EEEv approved for public use. The best way to be protected is with prevention, to keep from getting bit by infected mosquitos. The finding of EEEv infection in several counties throughout the state, including a recent case in a human, indicates that a significant risk to human health is present in New York State. Accordingly, pursuant to the authority vested in me by Public Health Law (PHL) § 621 and the rules and regulations promulgated thereunder, including but not limited to 10 NYCRR, Part 44, I declare that an Imminent Threat to Public Health for mosquito-borne disease exists in New York State based on current activity.

This declaration enables the Local Health Departments to receive enhanced reimbursement to undertake public health activities to control mosquito populations in accordance with 10 NYCRR Part 44. Specifically, a Local Health Department may request reimbursement at fifty percent (50%) of the public health-related costs to this incident during the response period of this declaration, which is September 23, 2024 through November 30, 2024, consistent with statutes and regulations governing State Aid. Such funds will be made available only after all other funds have been expended, including those in the appropriate program category of the approved 2024 State Aid Application, all state and federal grants, and any other aid that may be available. Please work with the Office of Local Health Services (OLHS) to establish the eligibility of costs for reimbursement and the process to claim public health emergency reimbursement for costs eligible under Article 6 of the Public Health Law.

The centerpiece of efforts to reduce the risk of any human cases of arthropod-borne disease continues to be education and an active and effective surveillance system. In that regard, we urge you to follow the recommendations contained in the New York State Department of Health's (Department) Mosquito-Borne Illness Surveillance and Response Plan, including but not limited to: enhancing mosquito surveillance activities to determine the extent of the virus; conducting active human surveillance with area health care facilities and providers; and enhancing public outreach and education.

Additionally, should adulticiding be considered, please carefully review and follow the criteria in 10 NYCRR §§ 44.60 and 44.70. Ground-based or aerial spraying is limited to control activities only in the immediate areas where the vector population has been determined to exist. Please be advised that state regulations require that notification of any planned mosquito adulticide activities be given to the public at least 24 hours prior to any action. Approval from the New York State Department of Environmental Conservation (NYSDEC) is also required prior to

the initiation of any spraying activity; please consult with them as you develop your mosquito control plan in response to this declaration. We stand ready to assist you in the process.

Questions regarding reimbursement should be directed to Susan Cuomo-Whitney in the Office of Local Health Services at (518) 473-4223. Further, reimbursement of up to 100 percent of costs incurred for adulticiding in New York State may be available from the New York State Department of Agriculture and Markets (NYSDAM). For more information on reimbursement of such costs, please contact Michael Latham at (518) 457-3738 or [Michael.Latham@agriculture.ny.gov](mailto:Michael.Latham@agriculture.ny.gov).

A copy of this declaration is also being transmitted to the Commissioner of the New York State Department of Environmental Conservation, pursuant to Environmental Conservation Law Section 24-0701(5).

Sincerely,



James V. McDonald, M.D., M.P.H.  
Commissioner of Health

cc: NYSDEC Interim Commissioner Sean Mahar  
NYSDAM Commissioner Richard Ball  
M. Latham  
L. Trolio  
J. White  
B. Backenson  
A. Newman  
E. Lutterloh  
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