

Honorable Bill de Blasio
Mayor
City of New York

March 16, 2017

Dear Mr. Mayor:

We write as a response to the meeting you convened this past Friday at Gracie Mansion with representatives of the Orthodox Jewish community concerning the practice of *metzitzah b'peh* ("mbp"). As parties to the mbp agreement reached with you in City Hall on February 24, 2015, and being privy through our representatives to discussions with your staff since then, we feel compelled to clarify certain points in the fervent hope that we can regain the good faith necessary for its implementation.

We wish to state right up front that we fully share your goal, and that of your administration, to do the utmost that can be done to protect the health of children while respecting the sacred religious traditions of our faith; and, toward that end, we look forward to helping foster a close cooperative relationship between the community and city health officials, as we have successfully done for the past four years in neighboring Rockland County.

We are told you said at the meeting that you felt betrayed by our community for refusing to live up to the terms of the agreement we reached with your administration in 2015. To be clear, though, that agreement provided that we would cooperate with your administration in promoting and implementing a detailed investigative protocol based on DNA-testing with respect to future cases of neonatal HSV-1 infection after circumcisions with mbp.

Your honor, please know that we never refused to honor that agreement. We said throughout, and say clearly again, that we welcome the opportunity to engage cooperatively in such investigations.

And we never betrayed; quite the contrary. Soon after our meeting that February, we followed up with the City to work on its implementation, only to be told by a City official that the Health Department refused to commit to its terms. Several attempts were made to revive the agreement before the Board of Health met in September to rescind the mbp regulation, but to no avail. City officials were well aware that the rescission of the regulation occurred while the agreement was set aside, due solely to the Health Department's rejection of its terms.

These facts created a profound sense of bewilderment at the characterization last Friday of our actions. *We betrayed the terms of our agreement? We refused to cooperate? Why are we being faulted for the Health Department's going rogue, and why are the City's communications people feeding such distortions to the media?*

Yet, despite all this, we are similarly disappointed with the situation that exists. While we cannot and will not give up on the right to perform circumcision with mbp, we always want to minimize health risks to our children. And again we say, notwithstanding what transpired, that we remain ready to fully - and immediately - implement the investigative protocol, including the provisions providing for a ban on *mohelim* who are DNA-matched to an infected infant. Let's try to rebuild a sense of mutual trust that is so essential to its implementation, a trust that was so undermined by the Health Department's unilateral rejection.

You said on Friday that we must provide you the names of 4 *mohelim* associated with cases over the past 2 years for antibody testing by this Wednesday, and the deputy mayor said that DNA-testing is not necessary to determine the source of infection. Mr. Mayor, besides for not adequately addressing the underlying health issue by ignoring the best scientific tools available, the deputy mayor's suggested approach could actually *increase* the risks posed by this infection. The Health Department has cavalierly ascribed transmission to a seropositive mohel as long as lesions appear within a timeframe and at locations however loosely consistent with transmission by mbp. Yet surely the Health Department is aware of the DNA testing done under the auspices of the Rockland County Department of Health that found two such cases where the *mohelim* were clearly *not* the source of neonatal HSV-1. Only by investigating further did the Rockland County DOH find the source of infection in these cases, which would have remained undetected with the Health Department's approach.

(Rockland's cooperative approach pays dividends in other ways as well. Look at the contrast, a tale of two health departments if you will. In NYC, the DOH says cases are underreported by our community, notwithstanding that the numbers remained the same even after nHSV-1 became reportable. In Rockland, cases are self-reported, before the DOH there even knows they exist.)

Any successful investigation in these cases requires that the subjects agree to be tested, and their agreement can only occur if there is an underlying faith in the unbiased nature of the investigation. Please consider: mbp is not some new-fangled, untested theory - it has been practiced for *thousands* of years. The Health Department's recent health alert says there have been 24 cases of HSV-1 following circumcision since 2000. Even assuming that all of these circumcisions had mbp (the alert doesn't say), and assuming that 3500 mbp circumcisions occur annually in NYC (a number used by the Health Department), that's 24 cases out of 59,500 mbp circumcisions, or an incidence rate of 4 in ten thousand - *less than one-half of 1/10th of 1 percent*. And that's the high end of the estimate. On the other hand, since Rockland County instituted DNA-based mbp investigations, 100% of conclusive investigations *proved* that the mohel was clearly not the source of the virus.

The Health Department's approach willfully ignores hard scientific data in the pursuit of an agenda-driven policy, likely resulting in ever greater reluctance to come forward.

Mr. Mayor, these points are not meant personally. Indeed, our issues are with a Health Department that has engaged in a 12-year attack on our religious practice, notwithstanding inconvenient facts and now hard science to the contrary. We welcome any

efforts to search honestly for sources of infection in our children, but we categorically deny falsehoods about our intentions and actions, and reject biased investigations with predetermined conclusions that undermine public health and public trust.

Respectfully, but urgently, we again request that the protocol we agreed to two years ago be implemented as soon as possible, and we look forward to working with you to bring to fruition our historic agreement that protects both religious freedom and the health of our precious children.



Rabbi Shraga Feivel Cohen
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