

The health commissioner's refutation of the health commissioner's answer to the Bureau of municipal research on health violations in East Side slaughter houses.

Contributors

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**THE
HEALTH COMMISSIONER'S REFUTATION
OF THE
HEALTH COMMISSIONER'S ANSWER**

**TO
THE BUREAU OF MUNICIPAL RESEARCH
ON
HEALTH VIOLATIONS IN EAST SIDE SLAUGHTER HOUSES**

**September 15, 1911
BUREAU OF MUNICIPAL RESEARCH
261 Broadway**

THE SLAUGHTER HOUSES

Slaughter houses on the east side are public nuisances. When the wind sets inland, they smell to Heaven. Mayor GAYNOR visited these places after the owners of the abattoirs had been apprised that the Bureau of Municipal Research was inspecting their condition, and that his Honor would soon make them a visit. On the day of his visit the barometer was low, and a northerly gale was blowing, which bore the foul odors away from the Mayoral olfactories. If the Mayor or Commissioner LEDERLE have any doubts about the customary perpetration of nuisances in the east side slaughter houses, they should visit them on a calm day, or when the breezes are borne inward upon the land.

The Bureau of Municipal Research makes five specific points against the slaughterers, supporting each with evidence. Sour and tainted fats are illegally rendered within the city's limits; bones and offal are boiled; the rendering of offal in the centre of this large city, whether specifically prohibited or not, according to Sanitary Superintendent BENSEL, has never been done for any considerable time "without a nuisance"; blood from the killing rooms is illegally discharged into the sewers, and the Health Department relies too much on the Federal authorities to see that the city's meat supply is prepared under sanitary conditions.

The business of slaughtering animals ought not to be conducted within this city save under very rigidly enforced regulations. The Bureau of Municipal Research presents records showing that, during the past year or more, the regulations have been leniently enforced, that the slaughtering of tuberculous cattle has been permitted, that the meat in the abattoirs remains unscreened from swarms of flies, and that whole neighborhoods have been kept awake by foul odors arising from forbidden nuisances. The charges and the evidence submitted constitute a grave indictment.—*N. Y. Times*, July 9, 1911

Efficient Citizenship No. 444

BUREAU OF MUNICIPAL RESEARCH

261 Broadway, New York

COMMISSIONER LEDERLE'S REFUTATION
OF
COMMISSIONER LEDERLE'S ANSWER
TO
HEALTH VIOLATIONS IN EAST SIDE SLAUGHTER HOUSES

*Letter from the Bureau of Municipal Research to Mayor Gaynor
September 15, 1911*

September 15, 1911

Hon. William J. Gaynor
Mayor, City of New York

Sir :

When you said publicly that you were satisfied with Commissioner Lederle's reply to our *Health Violations in East Side Slaughter Houses* you could not, we believe, have read his reply carefully.

Our report was submitted to you and to the commissioner June 5, as the basis for official review and was like scores of reports subject to correction if wrong in any particular. We did not publish it until after our motive had been impugned and its accuracy challenged.

Instead of refuting the charges which we based upon an analysis of official records, Commissioner Lederle admits every significant charge but one. Even the sanitary improvements and precautions which commended themselves to you and to several editors are shown by Commissioner Lederle's answer to be results rather than refutations of our report.

To call remediable deficiencies of administration to your personal attention was one purpose of our report. Commissioner Lederle has outdone us in advertising these deficiencies by his report to you.

1. In claiming that the Bureau charged "that the business of disposing of the offal **in the city** is illegal" (page 1, line 10), the commissioner substitutes the words "in the city" for the words "within the borough of Manhattan," which the Bureau used in citing the sanitary code's absolute prohibition.
2. Upon two sections of the charter, known by himself and the mayor to have been repealed five years ago, (1212, 1227), Commissioner Lederle bases his defense of boiling offal and rendering fertilizer in east side slaughter houses.
3. He misstates that the opinions of Corporation Counsel Rives (1902) and Watson (1910) sustained the views the department always held (page 5). Mr. Rives said the sanitary code "specifically declares that no fat shall be rendered except when fresh from the slaughtered animals and taken directly from the place of slaughtering. This is a clear prohibition of the rendering of shop fat." Not one word was said by Corporation Counsel Watson of shop fat nor did Commissioner Lederle raise the question with Mr. Watson as to the legality of rendering shop fats.
4. It is not true, as stated by the commissioner (page 5), that the "regulation of the process of rendering of fat has always been provided by section 95 of the sanitary code," which section instead of regulating, specifically prohibited the rendering of shop fats until the amendment of March, 1911.
5. After proving to you by misstating corporation counsel opinions that boiling shop fat brought in from the outside has been considered legal since 1902 he tells you (page 9) that up to March, 1911 section 95 of the sanitary code "prohibited absolutely the collection of shop fat throughout the city and from places outside of the city to be taken to the various rendering plants within the city limits for rendering or melting."
6. After this explanation that up to March, 1911, collection of shop fat was prohibited, he says (page 10) that in November, 1910, the absolutely prohibited business had been formally permitted upon his recommendation.
7. The "careful inspection and report of outstanding permits" which (page 10) the commissioner claims were made prior to November 29, 1910, were not on record up to May, 1911. The records did show that under Acting-mayor Mitchel all permits for the boiling of shop fat were revoked to take effect November 30th and that so far as the record showed, without your knowledge, without careful inspection and without any report whatever to or by the commissioner, permits were reissued, after Acting-mayor Mitchel gave way to you, to take effect **the day before the rescinding was to have taken place.**
8. In stating on page 2: "The disposal of shop fat within the city is legal (July 18, 1911) under permit by the department of health," three facts were not presented to you: (a) that until the sanitary code was amended in March, 1911, the rendering of shop fat could not be legally permitted by him;

(b) that the legalizing of this business took the place of a thorough investigation and report promised to the mayor by the commissioner, November 4, 1910 but not even yet forthcoming, and (c) that even after legalizing the issuance of permits he allowed the business to continue under permits that had been issued contrary to the sanitary code in November, 1910. Is it not significant that the minutes of the meeting of March 21, 1911, report the amendment (p. 2580 **City Record**) but do not mention the report leading to the amendment?

9. After arguing in behalf of offal boiling and fertilizer rendering that efforts to remove offensive waste outside the city limits "may lead to serious embarrassment by injunction" (page 2) he reports a recommendation of his own in March, 1911, that cities outside New York be permitted to bring shop fats to New York for rendering (page 10).
10. When he claims that the department has always considered "disposition on the premises the most feasible and satisfactory method and that most easy to control," he fails to inform you that Swift & Company has been permitted to use the less feasible, less satisfactory and less-easy-to-control method of transportation outside of the city and that during his present term no violation orders have been issued against Swift & Company (page 7).
11. After showing that the most feasible and satisfactory and easy to control method is one that requires no transportation (page 7) he recommended permitting other cities to transport shop fats to New York (page 10).
12. After implying that there is no place except two east side slaughter houses (within the city limits) where offensive waste may be disposed of he notes that garbage and dead animals are disposed of at Barren Island (page 2), although every argument against transporting fats would apply with greater force to garbage and dead animals.
13. While it is true that the department "can keep comprehensive records of the direction of wind" and that during "the hot weather these districts are under continuous 24 hour inspection" (pages 7, 8) it is also true that proper records were not kept and continuous 24 hour inspection had not been instituted until after our report. The records that had been kept did show, however, that in answer to a citizen's complaint six visits were made February 18-23, 1911, when the wind was **blowing away from the complainant**: and again that 22 re-inspections of Sulzberger & Sons and United Dressed Beef Co. plants, June 13 to September 26, 1910 were reported "Not Complied With."
14. Failure to comply with the sanitary code (section 88) is specifically admitted and justified on page 11 when the commissioner says, "It is not necessary to issue separate permits . . . for treating sheep skins in slaughter houses or in adjacent buildings within the slaughter house district." The Bureau did not argue the wisdom of the sanitary code. It stated, what the commissioner now admits, that the sanitary code was being violated by the department.

15. In flat contradiction of the commissioner's claim (page 3) "that in every establishment in this city substantially all the blood is now saved except that which is carried away by the washing of floors," are six separate orders issued in March and May of 1911 against three east side establishments **"to discontinue the practice of discharging blood into the waters of the East River."**
16. If, as the commissioner says: "There can be no objection to blood carried away by the washing of floors," the issuance of the above and other similar orders was an unwarranted annoyance.
17. That "the incentive to collect blood because its commercial value is about \$50.00 a ton dry," mentioned on page 3, has been insufficient is shown from the above mentioned orders and from the commissioner's claim on page 6 that "for some years this department **has insisted** upon the blood being saved."
18. If the provision in section 85 of the sanitary code against allowing blood from slaughtered animals to flow into the river or sewer is obsolete and "merely a technical violation," (page 3) it is notable that in the amendment of March, 1911, this so-called technical provision of the sanitary code was not repealed. As a matter of fact, in spite of the alleged commercial value of dry blood, three of the houses on the east side dealt with in our report had absolutely no means for collecting blood except bucket and shovel.
19. To find slaughter houses on the east side **on the whole**, in good sanitary condition, (page 4) **in August, two months after our report was submitted to you**, is certainly no refutation of our report but rather a testimony to its value.
20. The improvements in the rendering and fertilizing plants which according to the commissioner (page 4), "were required during the last year," looked to improvements in two businesses, one of which until March, 1911, was specifically prohibited in the sanitary code, i. e., the treatment of shop fats, and the other of which, fertilizer rendering, is today illegal in Manhattan. Had the commissioner stated the whole case to you he would have reported that the more important improvements were forced by national inspectors and that as late as June, 1911 the local health department's records mentioned only minor improvements. From the standpoint of efficient health administration it is almost as serious for the department to have required many improvements without recording such requirements as to have neglected the requirements.
21. The records show that orders looking "especially to the better disposition of odors from rendering and fertilizer plants" (page 4) were chiefly complied with by shifting of the wind from east to west, cessation of complaints or Acting-mayor Mitchel's retirement.
22. The issue of offensive odors is not met by the minute description of the equipment for decreasing odors and by the statement (page 3). "Both of the plants . . . where fat is rendered and slaughter house wastes converted into fer-

tilizer for many years have been equipped with appliances." These odor destroyers were there when you wrote in 1910 "Complaints multiply." They were there when in 1910 Sanitary Superintendent Bensel wrote to Acting-mayor Mitchel: "It is a matter of knowledge to officers of this department **that no such plant has been operated without a nuisance for any considerable length of time,**" and referred to their powers to destroy as "theoretical." Destroyers that do not destroy are no public protection. The very day when the commissioner's letter and the mayor's "entirely satisfactory" were published in the newspapers those destroyers so failed to destroy that a nuisance was committed all the late afternoon for blocks west of these same destroyers. It is odors outside the plant, not equipment inside, that concern the public.

23. The defense of the odor destroying equipment (for offal boiling) breaks down with the commissioner's statement on page 7 "the appliances are not fool proof and constant vigilance is necessary." Odors on the outside show that constant vigilance has not been given. Superintendent Bensel says that constant vigilance cannot be hoped for. As late as May 15, 1911, the inspector reported: "Odors escaping . . . Doors allowed to be left open. Doors in fertilizer shed . . . open."
24. Misstatement is made by the commissioner even in so small a matter as the number of complaints shown on the department's records. He says (page 8) that from January 1, 1910, through June, 1911, five citizens' complaints were received. Yet we published in our report eleven complaints taken from the official records of the department, not including any letters that may have been received at the mayor's office and not transmitted to the department.
25. In many respects the most serious effort to evade the department's responsibility for unsanitary conditions in the east side slaughter houses is evidenced in the ten-line paragraph on page 11 devoted to screens, cuspidors, dirty boots, clothing and medical inspection of employees. These ten lines are meant to answer four pages of specific statements in our report. Here the commissioner not only admits that screens for keeping out "flies and other vermin" are lacking, but, after pleading the difficulty of screening, actually declares "nor is it necessary, although it is desirable, that all foods and food productions should be screened from flies as far as possible." Again the absence of cuspidors is not only admitted but justified. The flippant reference to cleanliness of boots, clothing, employees, etc., not only disregards specific charges in our report and the greater part of the health officer's responsibility for sanitary protection in slaughter houses, but is a distinct slur on the regulations of the United States department of agriculture, quoted in our report, which require that garments and persons shall be clean and "they shall be required to pay particular attention to the cleanliness of their boots and shoes."
26. The existence of absorbent material in the dressing and cooling rooms and the unsanitary condition of woodwork, floors, etc., are entirely ignored by the commissioner. Our

report cited violation after violation of section 85 of the sanitary code. That the commissioner has known of the importance heretofore attributed to these provisions is shown (a) by his letter to you transmitting an opinion of Corporation Counsel Watson that distinctly mentioned these provisions, and (b) also by several violations against absorbent floors, woodwork to be scraped and cleaned, walls, ceilings and partitions to be whitewashed, etc. Yet at the time of your visit with the commissioner, absorbent material was found in the floor, pillars, etc. of a dressing room of one of the two companies to which the commissioner's special plea is chiefly devoted.

27. Ignoring all of our specific illustrations of lax administration of the sanitary code excepting those which relate to offal and shop fats is to ignore nine different sources of danger and nuisance.

IN CONCLUSION.

All denials by Commissioner Lederle are thus emphatically refuted by Commissioner Lederle and the sanitary code excepting three, one of which points to a clear error on the part of the Bureau's investigators, one to an excessive estimate and one to a debatable question of fact which cannot now be settled:

I. The Error: Two of the eleven houses inspected have equipments for destroying or condensing odors. That these destroyers do not destroy does not excuse the Bureau for having failed to discover their existence. That they cannot "for any considerable length of time" destroy, the sanitary superintendent maintained in his letter of September 8, 1910.

II. The Excessive Estimate: The estimate that in different houses from one-fourth to two-thirds of the blood was permitted to escape into the East River was probably an over-estimate even at the time the inquiry was made, excepting for the three houses named, where no provision was made for catching the blood except by bucket and shovel. However, the exact proportion of blood is beside the main issue. **No blood** the sanitary code says. **Too much blood** the metropolitan sewerage commission reported.

III. **The Debatable Issue of Fact:** Whether the fans on the day of our investigators' visits in April and May were intake or "outtake" fans, bringing fresh air in to help destroy odors or forcing the offensive odors into the outside air, it is impossible at present to establish. The fact that the fans seen by the mayor on June 20 were bringing fresh air into these rooms does not prove that two months earlier those same fans reversed were not forcing air outside the rooms. **Without challenge by the mayor, by the health commissioner or by the company involved,** Police Commissioner Baker on July 28, 1910, reported to Mayor Gaynor that his Sergeant Mallan found "two large revolving fans on the south side which . . . send the odor out of the building and if there is any wind blowing it is naturally carried in the immediate vicinity."

Evils such as those admitted by Commissioner Lederle's answer to you point to administrative laxness at health headquarters that, as you know, **has been found in several other directions to be jeopardizing the health and comfort of New York's citizens.**

The Bureau of Municipal Research did not cast about for something to do and finally hit upon east side slaughter houses. On the contrary, as the mayor personally knows, the Bureau at the time this inquiry was begun in April, 1911, and in the preceding February when a study was made of the Brooklyn slaughter houses, was busily engaged co-operating at great expense with several of the mayor's department heads as well as with other city officials.

We were informed that with full knowledge of officers of the department of health and **for a price** tuberculous cattle were being slaughtered in Brooklyn contrary to public health and to the sanitary code. We did not look for the price, but **we did look for tuberculous meat and found it.** Our report upon disgusting conditions and health violations in Brooklyn slaughter

houses led to orders being issued by the department of health for correcting these evils at least temporarily.

When complaint was made by a citizen against east side slaughter houses the same investigator was used to collect information who had already submitted to the health department information regarding Brooklyn violations which the health department had found to be correct in detail. One error due to the expulsion of our investigators from the two premises where offal and shop fat were being rendered contrary to law does not materially affect the issue.

In addition to the violations already reported to you two other significant facts deserve to be called to the mayor's attention and to the public's attention. One of the establishments was found to be taking water, not through the meters established by the department of water supply but from the city hydrant where a measure of such water was impossible. Secondly, another establishment was found to be paying the dock department for obstructing East 45th Street over which, investigation shows, not the department of docks but the borough of Manhattan has jurisdiction. These point to evils no less insidious, and no less deserving of executive attention and correction, because the origin was under another administration than your own.

Very truly yours,

BUREAU OF MUNICIPAL RESEARCH.

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Philadelphia Bureau of Municipal Research

**Bureau of Municipal Research
261 Broadway, New York**

"WHEN DOCTORS DISAGREE"—STUDY THE RECORD

THREE EDITORIALS ON POLLUTION OF AIR AND WATER BY CITY SLAUGHTER HOUSES

"I realized that I must be in the wrong," said the good Dr. Primrose in "The Vicar of Wakefield," "so I took refuge from my predicament by falling into a passion". Mayor Gaynor seems to have fallen into a passion with the records of nuisances committed in the east side slaughter houses, presented by the Bureau of Municipal Research. They are official records. They are taken from the files of the health department and from the testimony of rectors of churches and physicians in good standing in the hospitals. They tell of intolerable stenches, lack of screens, the flushing of blood and refuse into the East River, the sale of tuberculous beef in Brooklyn, and lax methods of inspection and enforcement of the sanitary code by the health department. Commissioner Lederle has refused further to submit to public inspection the records of his department. (This refusal is being tested in court. B. M. R.) A crowded city is no place for such a business when its managers are negligent and defiant of the simplest provisions of the sanitary code. . . . Meanwhile, the buffeted Bureau of Municipal Research will use such means as are within its power to test the efficiency of the health department in future, which the mayor guarantees will be high.

New York Times, Aug. 12, 1911

The mayor's somewhat impatient criticism of the Bureau of Municipal Research, in the course of his comment on Health Commissioner Lederle's reply to that organization's charges regarding slaughter house supervision is excusable if not entirely justified.

When an official is in the main a good and useful public servant the wise citizen may privately criticize certain details of his work, but publicly he tries to uphold his hand rather than to discredit him.

Regarding the specific case of the slaughter houses, Dr. Lederle's reply is, as the mayor says, adequate. As long as the business is permitted on Manhattan Island a certain amount of offensiveness is unavoidable. That this has been minimized as much as possible by the health department the report in question makes clear.

Both the health commissioner and Mayor Gaynor seem to feel that slaughtering establishments and fertilizer plants should be excluded from the city, and that eventually they will be excluded. [B. M. R. suggested cleanliness not exclusion.] Until such a law is passed the best that can be done is to as far as possible deodorize and disinfect them.

New York Globe, Aug. 11, 1911

. . . Dr. Lederle's report to the mayor seems to dispose pretty effectually of the Bureau's attack upon the slaughter houses permitted in the city, and it has served to disgruntle the mayor with the Bureau of Municipal Research. . . . It is not a business which anybody cares to neighbor, and yet it must be carried on somewhere. Dr. Lederle shows that the charter permits, and long has permitted, the business here, under provisions designed to make it as sanitary as possible. [Except rendering of shop fats, one main point at issue.] He insists that those provisions are generally well carried out, and that the business is in the main conducted in substantial compliance with the law, although there are some nuisances in connection with the rendering of animal fats. . . . The critics have not yet made out a case against the health commissioner, who seems to be doing pretty well in a difficult job.

Brooklyn Eagle, Aug. 11, 1911

BUREAU OF MUNICIPAL RESEARCH, 261 BROADWAY, NEW YORK

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