



## Summary of Local Law 37 (Pesticide Use by New York City Agencies)

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New York City Local Law 37, enacted May 9, 2005, established new requirements regarding pesticide use on property owned or leased by the City (hereafter referred to as “City property”), including the prohibition of certain pesticide products, posting of warning notices prior to applications, and new recordkeeping provisions. This fact sheet summarizes the general provisions of Local Law 37. Local Law 37 amends Title 17 of the Administrative Code of NYC to include a new Chapter 12. Throughout this fact sheet, the specific section and paragraph of the law is referenced.

### Reduction of Pesticide Use

The law established an implementation schedule for prohibiting the use of three groups of pesticides on City property (§17-1203), with certain exemptions described below. The products prohibited are:

- Pesticides classified by the United States Environmental Protection Agency (EPA) as Toxicity Category I (§17-1203(a)). Products assessed as Toxicity Category I have the signal word “Danger” on the product label. Use of these products ended in November, 2005.
- Pesticides classified by EPA Office of Pesticide Programs as carcinogenic (§17-1203(b)). This prohibition includes known, probable, likely and possible carcinogens. Use of these products ended in May, 2006.
- Pesticides classified by the State of California’s Office of Environmental Health Hazard (OEHHA) Assessment as developmental toxins (§17-1203(c)). Use of these products ended in November, 2006.

In addition, each year, beginning in 2007, the NYC Department of Health and Mental Hygiene must provide the City Council with an update to the relevant EPA and OEHHA lists and an analysis of the pesticides used on City property that were added or removed from these lists (§17-1203(d)). These reports can be seen at, [www.nyc.gov/health/LL37](http://www.nyc.gov/health/LL37).

### Exemptions from Prohibitions

Certain individual pesticides and categories of pesticide use are exempt from the above prohibitions. Exemptions are based on those pesticides for which little potential of exposure or harm exists, or where prohibition would conflict with the protection of public health. A complete list of exemptions can be found in §17-1205.

### Waivers from Prohibitions

Agencies may apply to the Health Department for a waiver from the prohibition requirements for up to one year (§17-1206). Local Law 37 requires the Health Department to consider the extent of the infestation, the threat to the public, the availability of alternatives and the likelihood of human exposure to the pesticides in granting waivers.

## **Notification**

Twenty-four hours before all pesticide applications on City property (except for application of exempted products and applications in response to a specific public health emergency), a notice must be posted in a public location (§17-1207). The notice must contain specific information outlined in the statute and remain in place for at least three days or longer if required by the pesticide product label.

## **Recordkeeping and Reporting**

City agencies and their contractors must keep records of each pesticide application (§17-1208). Applicators are already required to maintain such records by the NYS Department of Environmental Conservation. Reporting is required for all products, even those exempted or waived from prohibitions. Local Law 37 adds several requirements.

- Agencies must maintain records for at least three years of all applications on City property, whether applied by agency personnel or by contractors.
- Records must be kept of prior notification and the active ingredient of the product used.
- Local Law 54 of 2007 requires that agencies submit all pesticide application records to the Health Department no later than February 1<sup>st</sup> for applications made during the previous calendar year. The Health Department must submit an annual report of pesticide use by the City by May 1<sup>st</sup> of each year to the City Council.
- The Department of Parks and Recreation also must report to the City Council pesticide applications and integrated pest management activities on golf courses (§ 17-1208(b)).

## **Enforcement of Local Law 37's Provisions**

The provisions of Local Law 37 apply not only to City employees, but also to their contractors who use pesticides on City property. Agencies need to evaluate and modify their contracts to ensure that contractors involved in pest control activities on City property comply with Local Law 37's prohibitions, reporting, and notification requirements.

## **Inter-Agency Pest Management Committee**

Local Law 37 establishes an Inter-Agency Pest Management Committee (PMC) charged with developing and adopting integrated pest management techniques for New York City (§17-1204). The PMC developed a pesticide use reduction plan that is updated annually and submitted to the Mayor and to the City Council. The Integrated Pest Management reports can be found at, [www.nyc.gov/health/LL37](http://www.nyc.gov/health/LL37)

For more information on Local Law 37, please email us at [LL37info@health.nyc.gov](mailto:LL37info@health.nyc.gov).