



Local Law 37 For Pest Control Contractors

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. If you provide contracted pest control services to New York City, you have new responsibilities under the law and you may need to make changes in order to comply with Local Law 37.

Background

Local Law 37 established new requirements regarding pesticide use on property owned or leased by the City (hereafter referred to as “City property”). Under Local Law 37:

- Certain pesticide products are prohibited for use on City property;
- Warning notices must be posted prior to applications;
- Reporting and recordkeeping requirements have been expanded.

This fact sheet is designed to review the basics of these changes as they affect you and your operations. For greater detail about any of these issues, you can find topic-by-topic fact sheets online at: www.nyc.gov/health/LL37.

Prohibited Products

Certain pesticides are prohibited for use on City property. Products were eliminated as follows:

- November 2005: use of all pesticides classified by the US Environmental Protection Agency (EPA) as Toxicity Category I was prohibited. Products in this category have the signal word “Danger” on their labels.
- May 2006: use of all pesticides classified by the EPA as known, likely, probable or possible carcinogenic to humans was prohibited.
- November 2006: use of all pesticides classified by the State California’s Office of Environmental Health Hazard Assessment as developmental toxins was prohibited.

You will need to determine if any of the products you use fall into one of the prohibited categories and find alternative products or practices to replace them.

Exempt Products

Local Law 37 includes a list of pesticides specifically exempted from prohibition and from the requirements for prior notification of application. These are:

- anti-microbial pesticides (such as bleach, sterilizers, and other sanitation products)

- biological pesticides (such as *Bacillus thuringiensis*)
- boric acid
- silica gels
- diatomaceous earth
- non-volatile insect baits in tamper-resistant containers
- pesticides classified as “25b Minimum Risk Pesticides” which are exempt from regulation by the USEPA. See: www.epa.gov/oppbppd1/biopesticides/regtools/25b_list.htm for a searchable list.

If a pesticide is on the above list, it is not prohibited and can be used on City property.

In addition to specific pesticides, Local Law 37 also exempts certain pesticide uses from prohibition. Pesticides are exempt if they are used for:

- drinking water treatment
- maintaining professional playing fields or golf courses
- maintaining water quality in swimming pools
- maintaining HVAC systems, cooling towers, and other industrial cooling and heating systems.
- rodent control, but only if the rodenticide is a containerized bait, or is placed directly into rodent burrows or in areas inaccessible to children and pets. Rodenticides used in open areas in granular or other non-containerized forms are not exempt.

If a pesticide is being used for a purpose specifically listed above, it is not prohibited even though it falls under any of the above mentioned criteria for prohibition.

How can I find out if a particular product is prohibited?

The NYC Department of Health has set up an online product lookup system at: www.nyc.gov/health/LL37 (click on “Search for Products Prohibition Status”). Entering the product name or registration number will tell you whether a product is prohibited and why. In addition, all Toxicity Category 1 products can be identified by their labels, which contain the signal word “Danger.”

Can a product’s prohibition change over time? Do I need to keep checking?

It is possible that changes in a product’s formulation or change to Local Law 37 could change its status. It is a good idea to check periodically, perhaps once or twice a year. Check also for current state and federal registration status at the NYS Pesticide Product Ingredient and Manufacturer System (<http://pmep.cce.cornell.edu/pims/index.html>).

Can I still use prohibited products on non-City properties?

Yes, Local Law 37 applies only to pesticides used on City property.

Can I use prohibited products if I am hired by someone who lives on City property but is hiring me privately?

No, a prohibition applies to anyone's use of pesticides on NYC property.

What if no alternative exists to a prohibited product?

If you and the agency you are working on behalf of believe that there is no alternative to the prohibited product to address a pest problem, the agency can submit a waiver application for the product to the Health Department. Waivers are only granted when alternatives have been evaluated and rejected and when public health is not threatened by the proposed application. Waivers are time- and location-limited. A contractor may not apply for a waiver; only an agency may do so.

Notification

Local Law 37 requires that notices be posted in public areas at the application site at least 24 hours before a pesticide application to City property. Notices must remain in place for a minimum of 3 days after the application. The posting must meet very specific requirements, available at www.nyc.gov/health/LL37.

I make outdoor lawn applications and already post a sign because of New York State regulations. Do I have to post a separate sign for Local Law 37?

Yes. New York State's posting requirements for commercial lawn applications and the City's warning notice requirements are separately enforced. You must comply with both.

Do I have to post notices for everything I use on City property?

No. Local Law 37 lists certain pesticides and types of applications that do not require advance notice posting. Twenty-four hour prior notice is NOT required for:

- applications requiring immediate action for public health reasons, such as severe rodent infestations, where mosquito larvae are present, or where populations of infected mosquitoes are present.
- rodenticides in containerized baits, and those placed directly into rodent burrows or in areas inaccessible to children or pets.
- pesticides used for water treatment at drinking water treatment plants, wastewater treatment plants, reservoirs, and related collection, distribution and treatment facilities.
- use of anti-microbial pesticides, such as bleach.
- pesticides applied to professional sports playing fields, golf courses or used to maintain water quality in swimming pools.
- pesticides used for the purpose of maintaining heating, ventilation and air conditioning systems, cooling towers and other industrial cooling and heating systems.
- pesticides classified by the USEPA as exempt from regulation when used in the manner specified by the exemption. These are known collectively as the "25b Minimum Risk Pesticides". A current list is available at:

http://www.epa.gov/oppbppd1/biopesticides/regtools/25b_list.htm

- biological pesticides (such as bacillus thuringiensis and milky spore).
- boric acid, disodium tetrahydrate, silica gels, diatomaceous earth, and nonvolatile insect bait in tamper resistant containers.

Although these applications are exempted from the twenty-four hour prior notice requirements of Local Law 37, they may still be subject to other posting and notification requirements under New York State law, such as the visual posting requirements for commercial lawn pesticide applications.

Do I need to keep copies of all the notices I post?

Although the law does not specifically require you to maintain copies of the notices you post, it does require you to report that you posted. Keeping a copy of each notice will help you demonstrate compliance if your records are inspected.

Recordkeeping and Reporting

Current New York State law requires that all pesticide applicators file annual reports of their pesticide use with the Department of Environmental Conservation (DEC) and maintain these records on-site for a minimum of three years. Local Law 37 expands on these requirements, adding additional information for you to record and report. You must report to the City everything that you currently report to DEC, the information that DEC requires you to keep on-record (reverse side of form 26), and a few additional pieces of information.

What exactly do I have to report?

Local Law 37 requires that you report very specific information about each application to the agency on whose behalf you are working. These data includes the EPA registration number, product name, quantity used, date applied, address of application (including the county and zip code), dosage rate, method of application, target organism, place of application, active ingredient(s), applicator name, and whether 24 hour prior notification was provided.

How do I record the new data if it is not the same as what I write on the DEC reporting form?

DOHMH has prepared expanded reporting forms for you to use. They are available at: www.nyc.gov/health/LL37 (click on “Modified Reverse Side of form 26 required by Local Law 37”). In addition, DOHMH has developed the electronic New York City Pesticide Use Reporting System (NYCPURS) to record and report on their applications to City property. NYCPURS can be accessed by any computer with internet access. To learn more about NYCPURS, please contact 212-788-1219.

How do I report my data to the City?

You must report your data electronically using NYCPURS or another electronic recordkeeping system and submit your reports to your contracting agency. Your contract or service agreement with a City agency should describe their expectations. These reports are owed to the agency that hired you or the company you work for. New York City only requires

that you report applications on City property, and there are no exceptions based on the pesticide used.

For More Information

If you need more detail on any of the issues discussed above, please visit our website at www.nyc.gov/health/LL37, or email us at LL37info@health.nyc.gov.