



## How to Determine Whether a Pesticide is Prohibited for Use on City Property By Local Law 37 (Pesticide Use by New York City Agencies)

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Local Law 37, enacted May 9, 2005, prohibits the use of certain pesticides on property owned or leased by New York City (hereafter referred to as “City property”). These prohibitions, which apply whether a pesticide is used by City personnel or by contractors, took effect according to the following schedule:

- Use of all pesticides classified by the United States Environmental Protection Agency (USEPA) as Toxicity Category I is prohibited.
- Use of all pesticides classified by the USEPA as carcinogenic to humans, or as likely, probable or possible human carcinogens is prohibited.
- Use of all pesticides classified by the State of California’s Office of Environmental Health Hazard Assessment as developmental toxins is prohibited.

Before applying any pesticide, agencies and their contractors will need to determine if a product is registered by New York State (state registration status can be checked at <http://pmep.cce.cornell.edu/pims/index.html>) and if it is among those products prohibited under Local Law 37.

The following is a guide to determining if a pesticide is prohibited by Local Law 37. Figure One on page three of this fact sheet illustrates the decision logic for determining whether a product is prohibited.

### **STEP 1: Determine if the pesticide is exempt from prohibition under Local Law 37.**

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](http://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.

### **STEP 2: Determine if the pesticide is used for a specific purpose that is exempted under Local Law 37.**

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.

**STEP 3: Use the searchable lists of pesticide products on DOHMH’s public website to determine if a pesticide is in one of the prohibited categories.**

If a pesticide or its use is not specifically exempted from prohibition, agencies will need to determine if it is on one of the following lists of prohibited products:

- Toxicity Category I pesticide products
- Pesticide products that contain known or suspected carcinogens
- Pesticide products that contain developmental toxins

If a pesticide does not appear on one of the above lists, it is not prohibited under Local Law 37 and can be used on City property. If it is on one of these lists, it is prohibited. Searchable lists are available on the Local Law 37 web site. Please visit <http://nyc.gov/health/ll37>.

**STEP 4: Identify alternatives to the prohibited product.**

Agencies and their contractors will need to identify alternative pesticide products and pest management practices for those pesticides that were eliminated under Local Law 37. Adopting practices that can prevent infestation and improve building infrastructure is preferable to substituting one pesticide for another.

Agencies should talk to their contractors and staff about alternatives. For pesticides applied by agency personnel, the New York City Department of Health and Mental Hygiene (DOHMH) have a number of training and educational offerings, such as the Rodent Academy (<http://www.nyc.gov/html/doh/html/pest/pest-rodent-academy.shtml>) and has published several brochures on managing pests.

Many other municipalities have adopted similar prohibitions. DOHMH may also be able to assist agencies in contacting pest management specialists in other areas who have confronted these issues and identified solutions.

**STEP 5: Verify that alternative products are either not prohibited or exempt from Local Law 37.**

Alternative products should be evaluated again using Steps 1 through 4, above.

For more information about pesticide products, please email DOHMH at [LL37prod@health.nyc.gov](mailto:LL37prod@health.nyc.gov). For information about requesting a waiver from prohibition, please refer to our fact sheet “Procedures for NYC Agencies to Request Waivers from Pesticide Prohibitions under Local Law 37”.

**Figure 1: Decision-Logic for Determining Whether a New York State Registered Pesticide Product is Prohibited by Local Law 37**

