



## Procedures for NYC Agencies to Request Waivers from Pesticide Prohibitions under Local Law 37 (Pesticide Use by New York City Agencies)

---

In May 2005, New York City enacted Local Law 37, adding a new Chapter 12 to Title 17 of the City Administrative Code that changed the way pesticides are used on property owned or leased by the City (hereafter referred to as “City property”). Local Law 37 established a schedule for prohibiting the use of certain hazardous pesticides on City property, whether such use is by City personnel or by contractors. The prohibition schedule is as follows:

- After November 9, 2005, pesticides classified by the USEPA as Toxicity Category I as of April 1, 2005, are prohibited from use.
- After May 9, 2006, pesticides classified by the USEPA as carcinogenic to humans, or as likely, probable, or possible human carcinogens, as of April 1, 2005, are prohibited from use.
- After November 9, 2006, pesticides classified by the State of California’s Office of Environmental Health Hazard Assessment as developmental toxins, as of April 1, 2005, are prohibited from use.

Some pesticide uses are exempted from these prohibitions. They are listed in §17-1205 of the Chapter 12 of the City Administrative Code, and summarized in the Local Law 37 fact sheet “Pesticides Prohibited by Local Law 37”. In some circumstances, agencies may need to use pesticide products that are otherwise prohibited by Local Law 37. City agencies can apply to the Commissioner of the Department of Health and Mental Hygiene (DOHMH) for a waiver from the prohibitions.

### How DOHMH Evaluates Waiver Requests

In evaluating a waiver application, Local Law 37 directs the Commissioner to consider whether “in the absence of a waiver,” the prohibitions would be unreasonable “with respect to (i) the magnitude of the infestation, (ii) the threat to public health, (iii) the availability of effective alternatives and (iv) the likelihood of exposure of humans to the pesticide.” A committee of experienced medical, epidemiological and pest control personnel will review requests and, where necessary, consult with outside experts. Waivers may be granted for single or multiple applications, for particular types or sites of use, and for periods of up to one year. DOHMH may require additional contact, including in-person meeting(s) with agencies to discuss the waiver request.

### How to Apply for a Waiver from Prohibitions

DOHMH will consider waivers from agencies only. Agencies should expect an initial response within two weeks of receipt of the request. In the event that a waiver is required for pest control activities to take place immediately, or within 48 hours, agencies must notify DOHMH by email or phone and be sure to request expedited review. For assistance in preparing waiver applications, agencies should contact via email [LL37waive@health.nyc.gov](mailto:LL37waive@health.nyc.gov), or call 212-788-1219. Agencies applying for a waiver should complete the application form and mail it or email it (with all required attachments) to:

New York City Department of Health & Mental Hygiene  
Environmental Health Surveillance and Policy  
Attn: Local Law 37 Waiver  
22 Cortlandt Street, CN-34E, 12<sup>th</sup> Floor  
New York, NY 1007  
[LL37waive@health.nyc.gov](mailto:LL37waive@health.nyc.gov)

For more information on Local Law 37, please visit [www.nyc.gov/health/LL37](http://www.nyc.gov/health/LL37) or email us at [LL37info@health.nyc.gov](mailto:LL37info@health.nyc.gov).



# New York City Local Law 37 AGENCY WAIVER FORM

**Agency Applying** \_\_\_\_\_

Contact at Agency:

|                          |
|--------------------------|
| Name _____               |
| Title _____              |
| Address _____            |
| Phone _____ e-mail _____ |

Product for which waiver is requested (attach MSDS sheet and product label):

|                                      |
|--------------------------------------|
| Trade Name _____                     |
| Active Ingredient(s) _____           |
| EPA Registration Number _____        |
| Proposed method of application _____ |

Name of Target Pest(s) \_\_\_\_\_

Address(es) of Proposed Application \_\_\_\_\_

This application is for (check one):

|   |
|---|
| <input type="checkbox"/> a one-time use (state approx. date _____)                    |
| <input type="checkbox"/> multiple applications (state number and approx. dates _____) |
| <input type="checkbox"/> a term up to one year (state term _____)                     |

**Attach a sheet with your responses to the following:**

1. How extensive is the infestation? If you have monitoring data, please describe or attach it.
2. How large an area or how many units/buildings are affected?
3. Describe the site(s), its users, and its occupants.
4. Describe any physical damage to the site resulting from, or health hazard posed by, the infestation.
5. Describe the specific locations on the site where the pesticide would be applied.
6. How long has infestation been a problem?
7. What are the underlying causes of the infestation and what steps have been taken to address them (e.g. water sources, garbage sources, disrepair etc.)?
8. What products or alternatives have already been tried and when were they tried?
9. Why were alternatives unsuccessful?
10. Describe the process by which alternatives were researched.
11. Describe alternatives that were considered and rejected, and why.
12. What steps will be taken to prevent future infestation and need for a waiver?

|                         |
|-------------------------|
| Form Submitted by _____ |
| Signature _____         |
| Date Submitted _____    |