

Int. No. 1524

By Council Members Kallos, Rivera, Rosenthal, Cornegy, Powers, Cabrera, Brannan, Cumbo, Richards, Reynoso, Rodriguez, Perkins, Holden, Levine, Constantinides, Grodenchik and Borelli

A Local Law to amend the administrative code of the city of New York, in relation to the use of pesticides by City agencies

Be it enacted by the Council as follows:

1           Section 1. Section 17-1201 of chapter 12 of title 17 of the administrative code of  
2 the city of New York is amended to read as follows:

3           §17-1201 Application. This chapter shall apply to all pest control activities on  
4 property owned or leased by the city, whether such activities are performed by city  
5 employees, contractors, subcontractors, or any person authorized to perform such  
6 activities.

7           § 2. Section 17-1202 of chapter 12 of title 17 of the administrative code of the city  
8 of New York is amended to read as follows:

9           §17-1202 Definitions. For the purposes of this chapter only, the following terms  
10 shall have the following meanings:

11           [(1) “Anti-microbial pesticide” shall mean] Anti-microbial pesticide. The term  
12 “anti-microbial pesticide” means:

13           [i]1. Disinfectants intended to destroy or irreversibly inactivate infectious or other  
14 undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects;

15           [ii]2. Sanitizers intended to reduce the number of living bacteria or viable virus  
16 particles on inanimate surfaces, in water, or in air;

17           [iii]3. Bacteriostats intended to inhibit the growth of bacteria in the presence of  
18 moisture;

19 [iv]4. Sterilizers intended to destroy viruses and all living bacteria, fungi and their  
20 spores, on inanimate surfaces;

21 [v]5. Fungicides and fungistats intended to inhibit the growth of, or destroy, fungi  
22 (including yeasts), pathogenic to humans or other animals on inanimate surfaces; and

23 [vi]6. Commodity preservatives and protectants intended to inhibit the growth of,  
24 or destroy bacteria in or on raw materials (such as adhesives and plastics) used in  
25 manufacturing, or manufactured products (such as fuel, textiles, lubricants, and paints),  
26 but not those utilized in the pulp and paper process or cooling towers.

27 [(2) “Biological pesticide” shall mean] Biological pesticide. The term “biological  
28 pesticide” means a pesticide which is a naturally occurring substance derived from such  
29 natural materials as animals, plants, bacteria, and certain minerals, that controls pests and  
30 microorganisms that control pests and is not any pesticidal substance produced by a plant  
31 that has been modified genetically for the purposes of producing such pesticidal  
32 substance.

33 [(3) “City agency” shall mean] City agency. The term “city agency” means a city,  
34 county, borough, administration, department, division, bureau, board or commission, or a  
35 corporation, institution or agency of government, the expenses of which are paid in whole  
36 or in part from the city treasury.

37 [(4) “Contractor” shall mean] Contractor. The term “contractor” means any  
38 person or entity that enters into a contract with a city agency, or any person or entity that  
39 enters into an agreement with such person or entity to perform work or provide labor or  
40 services related to such contract.

41 Non-synthetic substance. The term "non-synthetic substance" means a substance  
42 that is derived from mineral, plant or animal matter and is not formulated or  
43 manufactured by a chemical process.

44 [(5) "Pest" shall mean] Pest. The term "pest" means:

45 [i]1. Any insect, rodent, fungus, or weed; or

46 [ii]2. Any other form of terrestrial or aquatic plant or animal life or virus, bacteria  
47 or other microorganism (except viruses, bacteria or other microorganisms on or in living  
48 man or other living animals) which the commissioner of environmental conservation  
49 declares to be a pest.

50 [(6) "Pesticide" shall mean] Pesticide. The term "pesticide" means:

51 [i]1. Any substance or mixture of substances intended for preventing, destroying,  
52 repelling, or mitigating any pest; or

53 [ii]2. Any substance or mixture of substances intended for use as a plant regulator,  
54 defoliant, or desiccant.

55 Synthetic substance. The term "synthetic substance" means any substance other  
56 than those naturally occurring in a plant, animal or mineral that is formulated or  
57 manufactured by a chemical process.

58 § 3. Section 17-1203 of chapter 12 of title 17 of the administrative code of the city  
59 of New York is amended to read as follows:

60 §17-1203 Reduction of pesticide use. a. Effective six months after the enactment  
61 of the local law that added this section, no city agency or contractor shall apply to any  
62 property owned or leased by the city any pesticide classified as Toxicity Category I by  
63 the United States environmental protection agency as of April 1, 2005, provided that for

64 any pesticide classified as Toxicity Category I by the United States environmental  
65 protection agency after April 1, 2005, no such agency or contractor shall apply such  
66 pesticide after six months of its having been so classified, except as provided for in  
67 sections 17-1205 or 17-1206 of this chapter.

68 b. Effective twelve months after the enactment of the local law that added this  
69 section, no city agency or contractor shall apply to any property owned or leased by the  
70 city any pesticide classified as a human carcinogen, likely to be carcinogenic to humans,  
71 a known/likely carcinogen, a probable human carcinogen, or a possible human  
72 carcinogen by the office of pesticide programs of the United States environmental  
73 protection agency as of April 1, 2005, except as provided for in sections 17-1205 or 17-  
74 1206 of this chapter.

75 c. Effective eighteen months after enactment of the local law that added this  
76 section, no city agency or contractor shall apply to any property owned or leased by the  
77 city any pesticide classified by the California office of environmental health hazard  
78 assessment as a developmental toxin as of April 1, 2005, except as provided for in  
79 sections 17-1205 or 17-1206 of this chapter.

80 d. Effective six months after the enactment of the local law that amended this  
81 section, no city agency, contractor or any person acting under the direction of such city  
82 agency or contractor shall apply to any property owned or leased by the city any pesticide  
83 other than a biological pesticide, nor shall any city agency, contractor or any person  
84 acting under the direction of such city agency or contractor apply any pesticide to any  
85 portion of any property owned or leased by the city that is within 75 feet of any natural

86 body of water or wetland, except as provided for in sections 17-1205 and 17-1206 of this  
87 chapter.

88 [d.] e. On February 1, 2007, and every February 1 thereafter, the department shall  
89 submit to the City Council a report listing changes made to [the] any list of pesticides  
90 classified as a human carcinogen, likely to be carcinogenic to humans, a known/likely  
91 carcinogen, a probable human carcinogen, or a possible human carcinogen by the office  
92 of pesticide programs of the United States environmental protection agency, the  
93 international agency for research on cancer of the world health organization and the list  
94 of pesticides classified as developmental toxins by the California office of environmental  
95 health hazard assessment after April 1, 2005. Such reports shall also include, for each  
96 pesticide added to or removed from such classifications, whether and to what extent such  
97 pesticide is used by city agencies or contractors in the city of New York.

98 § 4. Section 17-1205 of chapter 12 of title 17 of the administrative code of the city  
99 of New York is amended to read as follows:

100 §17-1205 Exemptions. a. The restrictions established pursuant to section 17-1203  
101 of this chapter shall not apply to the following:

102 [(1)] 1. Pesticides otherwise lawfully used for the purpose of maintaining a safe  
103 drinking water supply at drinking water treatment plants, wastewater treatment plants,  
104 reservoirs, and related collection, distribution and treatment facilities;

105 [(2)] 2. Anti-microbial pesticides;

106 [(3)] 3. Pesticides applied to professional sports playing fields, golf courses or  
107 used to maintain water quality in swimming pools;

108 [(4)] 4. Pesticides used for the purpose of maintaining heating, ventilation and air  
109 conditioning systems, cooling towers and other industrial cooling and heating systems;

110 [(5)] 5. Pesticides used for the purpose of rodent control in containerized baits or  
111 placed directly into rodent burrows or placed in areas inaccessible to children or pets;

112 [(6)] 6. Pesticides or classes of pesticides classified by the United States  
113 environmental protection agency as not requiring regulation under the federal insecticide,  
114 fungicide and rodenticide act, and therefore exempt from such regulation when intended  
115 for use, and used only in the manner specified; and

116 [(7)] biological pesticides; and

117 [(8)] 7. Boric acid and disodium tetrahydrate, silica gels, diatomaceous earth, and  
118 nonvolatile insect bait in tamper resistant containers.

119 8. Synthetic substances listed as allowed on the United States department of  
120 agriculture national list of allowed and prohibited substances;

121 9. Non-synthetic substances, unless listed as prohibited on the United States  
122 department of agriculture national list of allowed and prohibited substances and;

123 10. Minimum risk pesticides exempted from registration requirements pursuant to  
124 the federal insecticide, fungicide, and rodenticide act.

125 § 5. Section 17-1206 of chapter 12 of title 17 of the administrative code of the city  
126 of New York is amended to read as follows:

127 § 17-1206. Waiver. Any city agency, including the department, is authorized to  
128 apply to the commissioner for a waiver of the restrictions established pursuant to section  
129 17-1203 of this chapter. Such application shall be in a form and manner prescribed by the  
130 commissioner and shall contain such information as the commissioner deems reasonable

131 and necessary to determine whether such waiver should be granted. In determining  
132 whether to grant or deny a request for a waiver, the commissioner shall consider whether  
133 the application of 17-1203 would be, in the absence of the waiver, unreasonable with  
134 respect to (i) the magnitude of the infestation, (ii) the threat to public health, (iii) the  
135 availability of effective alternatives and (iv) the likelihood of exposure of humans to the  
136 pesticide. Such waiver may be issued with respect to one or multiple applications and  
137 may be granted for a term deemed appropriate by the commissioner, provided, however,  
138 that such term shall not exceed [one year] 14 days. Within thirty days of granting a  
139 waiver, the department shall provide the pest management committee with a copy of such  
140 waiver.

141 § 6. This local law takes effect immediately.

KS  
LS #2219/Int. 800/2015  
LS 229  
10/16/18