

Local Law 37 of 2005 Changes to Pesticide Prohibition Lists

Prepared by the NYC Department of Health and Mental Hygiene,
Bureau of Environmental Surveillance and Policy

January 1, 2011

In May 2005, Local Law 37 (introduced by the New York City Council as Intro 329) was signed into law. Local Law 37 (LL37) set forth a number of requirements related to the use of pesticides on New York City property, with the overall goal of reducing the City's use of hazardous pesticides. Under LL37 the Department of Health and Mental Hygiene (DOHMH) must report annually to New York City Council on changes made to lists that have been used to determine which pesticides are prohibited from use on city property.

BACKGROUND

LL37 specifically references a list of all pesticides determined to be a known, likely, probable or possible human carcinogens by the Office of Pesticide Programs of the United States Environmental Protection Agency (EPA) as one basis for determining which pesticide products are prohibited from use on city property. LL37 also prohibits the use all pesticides listed as developmental toxins by California Office of Environmental Health Hazard Assessment. Below, we detail how these lists have changed since April 1, 2005, when the first LL37 prohibition lists were established.

CHANGES TO THE U.S. EPA LIST OF CARCINOGENIC PESTICIDES

Table 1 below lists chemicals that were added to the LL37 prohibition list because they were determined to have carcinogenic properties by the EPA Office of Pesticide Programs since April 1, 2005 and the quantities used by city agencies in 2010 of pesticide products containing each of those chemicals. Two new chemicals were added to the list since mid-2010. Cyflufenamid and Ethiprole are not currently used in any registered pesticide products. Two chemicals, Metaldehyde and Flonicamid, were used by agencies in 2010 but in quantities 47% and 81% lower respectively from the previous year.

Table 2 lists the chemicals that were removed from the LL37 prohibition list since April 1, 2005 because they are no longer classified as having carcinogenic properties by the EPA Office of Pesticides. Many of these products have been out of use in recent years. Pyrethrins, the botanical extracts of the chrysanthemum flower, are a very common active ingredient in various insecticide formulations and were removed from the list in 2008, but in 2010 were reverted back to the original classification of Suggestive Evidence of Carcinogenic Potential.

Table 1: Chemicals added to U.S. EPA list of carcinogenic pesticides

Chemical name	EPA cancer classification	Number of EPA-registered products that contain this chemical	Total quantity used by NYC agencies in 2010
Penoxsulam	Suggestive Evidence of Carcinogenicity, but Not Sufficient to Assess Human Carcinogenic Potential	29	None
Metaldehyde	Suggestive Evidence of Carcinogenic Potential	20	3.8 pounds
S-Dimethenamid	Group C--Possible Human Carcinogen	10	None
Flonicamid	Likely to be Carcinogenic to Humans	8	0.3 pounds
Orthosulfamuron	Suggestive Evidence Of Carcinogenic Potential	8	None
Resmethrin	Likely to be Carcinogenic to Humans	7	None
Pyrasulfotole	Likely to be Carcinogenic to Humans	5	None
Dichloran	Suggestive Evidence Of Carcinogenic Potential	3	None
Tembotrione	Suggestive Evidence of Carcinogenic Potential	3	None
Spirodiclofen	Likely to be Carcinogenic to Humans	2	None
Metrafenone	Suggestive Evidence of Carcinogenic Potential	2	None
Sodium bichromate dihydrate	Likely To Be Carcinogenic To Humans	2	None
Pirimicarb	Suggestive Evidence of Carcinogenicity, but not sufficient to assess human carcinogenic potential	0	None
Dithianon	Suggestive Evidence of Carcinogenic Potential	0	None
Ethaboxam	Suggestive Evidence of Carcinogenic Potential	0	None
Benthiavalicarb-isopropyl	Likely to be Carcinogenic to Humans	0	None
Cumyluron	Suggestive Evidence of Carcinogenic Potential	0	None
Mepanipyrim	Likely to be Carcinogenic to Humans	0	None
Fenpropidin	Suggestive Evidence of Carcinogenic Potential	0	None
Sodium dichromate	Likely to be Carcinogenic to Humans	0	None
Hexavalent Chromium (CrVI)	Likely to be Carcinogenic to Humans	0	None
Cyflufenamid	Likely to be Carcinogenic to Humans	0	None
Ethiprole	Suggestive Evidence of Carcinogenic Potential	0	None

(Sources: *Chemicals Evaluated for Carcinogenic Potential*, Office of Pesticide Programs, U.S. EPA, August, 2010; EPA Pesticide Product Information System; NYC LL37 Agency Reporting Data)

Table 2: Chemicals removed from the U.S. EPA list of carcinogenic pesticides

Chemical name	EPA cancer classification	Number of EPA- registered products that contain this chemical
Ortho-phenylphenol	Multiple Descriptors: Not Likely To Be Carcinogenic To Humans At Doses That Do Not Alter Rat Thyroid Hormone Homeostasis	82
Thiamethoxam	Not Likely To Be Carcinogenic To Humans at doses that do not cause a mitogenic response in the liver	54
Ethofenprox	Not Likely To Be Carcinogenic To Humans	34
Para-dichlorobenzene	Not Likely To Be Carcinogenic To Humans	24
Ortho-phenylphenol, sodium salt	Not Likely To Be Carcinogenic To Humans	22
Simazine	Multiple Descriptors: Not Likely Below a Defined Dose Range	22
Fomesafen	Not Likely To Be Carcinogenic To Humans	21
Cyproconazole	Not Likely To Be Carcinogenic To Humans	9
Sulfosulfuron	Not Likely to be Carcinogenic to Humans	6
Amitrole	Not Likely To Be Carcinogenic To Humans	3
Propazine	Not Likely To Be Carcinogenic To Humans	2
Acrolein	Data Are Inadequate For An Assessment Of Human Carcinogenic Potential	2
Methyl isothiocyanate	There are insufficient data to characterize the cancer risk of MITC	1

(Sources: *Chemicals Evaluated for Carcinogenic Potential*, Office of Pesticide Programs, U.S. EPA, August, 2010; EPA Pesticide Product Information System; NYC LL37 Agency Reporting Data)

CHANGES TO THE CALIFORNIA DEVELOPMENTAL TOXIN LIST

Four new pesticides have been added to the developmental toxin list from the California Office of Environmental Health Hazard Assessment since April 1, 2005. Two of those chemicals were already classified by EPA as carcinogens and thus are already prohibited under LL37. Those chemicals are Carbaryl and Molinate. Only two new chemicals were added as developmental toxins since 2005. In 2010 Nitrobenzene and Avermectin were added. Nitrobenzene, is not contained in any currently registered products and Avermectin, is a component of numerous containerized insecticide baits but is exempt from prohibition under LL37 in containerized form. This chemical was used by agencies prior to being placed on this list and its continued use in containerized baits is allowed under the exemption provisions of Local Law 37. In the last year its use has increased by 19%. Table 3 below summarizes the number of registered products and quantities of pesticide products containing each chemical used by city agencies in 2010.

Table 3: Chemicals added to California Office of Environmental Health Hazard Assessment Developmental or Reproductive Toxins List

Chemical name	California Proposition 65 toxicity classification	Number of EPA- registered products that contain this chemical	Total quantity used by NYC agencies in 2010
Avermectin	Developmental toxin	84	113.7 pounds
Nitrobenzene	Male reproductive toxin	0	None

(Sources: *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*, Office of Environmental Health Hazard Assessment, California EPA, November 18, 2011; EPA Pesticide Product Information System; NYC LL37 Agency Reporting Data)