
**Local Law 37 of 2005
Changes to Pesticide Prohibition Lists**



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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. One of LL37's requirements was that Department of Health and Mental Hygiene (DOHMH) submit to the New York City Council any 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 carcinogen 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, the date in LL37 at which the contents of these prohibition lists were set.

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

Table 1 below lists chemicals that were determined to have carcinogenic properties by the EPA Office of Pesticide Programs since April 1, 2005. Using data reported to DOHMH and the city council, we have calculated the quantities of pesticide products containing each chemical used by city agencies in 2008.

Table 2 lists the chemicals that are no longer classified as having carcinogenic properties by the EPA Office of Pesticide since April 1, 2005. Many of these products have been out of use in recent years. However, pyrethrins, the botanical extracts of the chrysanthemum flower, are a very common active ingredient in various insecticide formulations. To improve efficacy, pesticide products with pyrethrins are mixed with the synergists piperonyl butoxide and/or MGK-264 in 92% of registered products, and both of these chemicals are classified as possible human carcinogens by the EPA Office of Pesticide Programs. Only 94 products contain pyrethrins without other carcinogen ingredients. Therefore, most products containing pyrethrins would continue to be prohibited under LL37 even if the reference to the EPA list was updated.

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 2008
Resmethrin	Likely to be Carcinogenic to Humans	225	None
Metaldehyde	Suggestive Evidence of Carcinogenic Potential	42	0.5 pounds
Penoxsulam	Suggestive Evidence of Carcinogenicity, but Not Sufficient to Assess Human Carcinogenic Potential	19	None
Flonicamid	Likely to be Carcinogenic to Humans	8	0.9 pounds
S-Dimethenamid	Group C--Possible Human Carcinogen	6	None
Pyrasulfotole	Likely to be Carcinogenic to Humans	5	None
Orthosulfamuron	Suggestive Evidence Of Carcinogenic Potential	3	None
Tembotrione	Suggestive Evidence of Carcinogenic Potential	3	None
Dicloran	Suggestive Evidence Of Carcinogenic Potential	3	None
Pirimicarb	Suggestive Evidence of Carcinogenicity, but not sufficient to assess human carcinogenic potential	2	None
Spirodiclofen	Likely to be Carcinogenic to Humans	2	None
Sodium bichromate dihydrate	Likely To Be Carcinogenic To Humans	2	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
Metrafenone	Suggestive Evidence of Carcinogenic Potential	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

(Sources: *Chemicals Evaluated for Carcinogenic Potential*, Office of Pesticide Programs, U.S. EPA, September 3, 2009, EPA Pesticide Product Information System, New York State Pesticide Use Reporting 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
Pyrethrins	Not Likely To Be Carcinogenic To Humans at doses that do not cause mitogenic response in the liver cell proliferation	1219
Ortho-phenylphenol	Multiple Descriptors: Not Likely To Be Carcinogenic To Humans At Doses That Do Not Alter Rat Thyroid Hormone Homeostasis	91
Thiamethoxam	Not Likely To Be Carcinogenic To Humans at doses that do not cause a mitogenic response in the liver	44
Para-dichlorobenzene	Not Likely To Be Carcinogenic To Humans	29
Ethofenprox	Not Likely To Be Carcinogenic To Humans	26
Simazine	Multiple Descriptors: Not Likely Below a Defined Dose Range	29
Ortho-phenylphenol, sodium salt	Not Likely To Be Carcinogenic To Humans	23
Fomesafen	Not Likely To Be Carcinogenic To Humans	9
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, September 3, 2009, EPA Pesticide Product Information System, New York State Pesticide Use Reporting System)

CHANGES TO THE CALIFORNIA DEVELOPMENTAL TOXIN LIST

Two new pesticides have been added to the developmental toxin list from the California Office of Environmental Health Hazard Assessment since April 1, 2005. However both of those chemicals were already classified by EPA as carcinogens and thus are already prohibited under LL37. Those chemicals are Carbaryl and Molinate.