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**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 of all pesticides listed as developmental toxicants by California Office of Environmental Health Hazard Assessment. Below, we detail how these lists have changed since April 1, 2005, and the date that 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 2009.

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 89% of registered products, and both of these chemicals are classified as possible human carcinogens by the EPA Office of Pesticide Programs. Only 70 products contain pyrethrins without other carcinogenic 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**

<b>Chemical name</b>	<b>EPA cancer classification</b>	<b>Number of EPA-registered products that contain this chemical</b>	<b>Total quantity used by NYC agencies in 2009</b>
Resmethrin	Likely to be Carcinogenic to Humans	129	None
Penoxsulam	Suggestive Evidence of Carcinogenicity, but Not Sufficient to Assess Human Carcinogenic Potential	25	1750 pounds
Metaldehyde	Suggestive Evidence of Carcinogenic Potential	20	7.3 pounds
S-Dimethenamid	Group C--Possible Human Carcinogen	10	None
Flonicamid	Likely to be Carcinogenic to Humans	8	1.8 pounds
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
Dichloran	Suggestive Evidence Of Carcinogenic Potential	3	None
Spirodiclofen	Likely to be Carcinogenic to Humans	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
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
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, NYC LL37 Agency Reporting Data)

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

<b>Chemical name</b>	<b>EPA cancer classification</b>	<b>Number of EPA-registered products that contain this chemical</b>
Pyrethrins	Not Likely To Be Carcinogenic To Humans at doses that do not cause mitogenic response in liver cells	623
Ortho-phenylphenol	Multiple Descriptors: Not Likely To Be Carcinogenic To Humans At Doses That Do Not Alter Rat Thyroid Hormone Homeostasis	84
Thiamethoxam	Not Likely To Be Carcinogenic To Humans at doses that do not cause a mitogenic response in the liver	49
Ethofenprox	Not Likely To Be Carcinogenic To Humans	27
Para-dichlorobenzene	Not Likely To Be Carcinogenic To Humans	26
Ortho-phenylphenol, sodium salt	Not Likely To Be Carcinogenic To Humans	23
Simazine	Multiple Descriptors: Not Likely Below a Defined Dose Range	22
Fomesafen	Not Likely To Be Carcinogenic To Humans	13
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, 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. However two new chemicals were added as developmental toxins in the last year. One chemical, Nitrobenzene, is no longer contained in any registered products. The other chemical, Avermectin, is a component of numerous containerized insecticide baits and would by LL37 be exempt from prohibition in that containerized form. Table 3 below summarizes the number of registered products and quantities of pesticide products containing each chemical used by city agencies in 2009

**Table 3: Chemicals removed from the U.S. EPA list of carcinogenic pesticides**

<b>Chemical name</b>	<b>California Proposition 65 toxicity classification</b>	<b>Number of EPA- registered products that contain this chemical</b>	<b>Total quantity used by NYC agencies in 2009</b>
Avermectin	Developmental toxin	85	95.4 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, December 31, 2010; EPA Pesticide Product Information System; NYC LL37 Agency Reporting Data)