



Legislation Text

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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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(5) “Pest” shall mean] Pest. The term “pest” means:

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

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

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

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

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

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

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

§17-1203 Reduction of pesticide use. a. Effective six months after the enactment of the local law that added this section, no city agency or contractor shall apply to any property owned or leased by the city any pesticide classified as Toxicity Category I by the United States environmental protection agency as of April 1, 2005, provided that for any pesticide classified as Toxicity Category I by the United States environmental protection agency after April 1, 2005, no such agency or contractor shall apply such pesticide after six months of its having been so classified, except as provided for in sections 17-1205 or 17-1206 of this chapter.

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

c. Effective eighteen months after enactment of the local law that added this section, no city agency or

contractor shall apply to any property owned or leased by the city any pesticide classified by the California office of environmental health hazard assessment as a developmental toxin as of April 1, 2005, except as provided for in sections 17-1205 or 17-1206 of this chapter.

d. Effective six months after the enactment of the local law that amended this section, no city agency, contractor or any person acting under the direction of such city agency or contractor shall apply to any property owned or leased by the city any pesticide other than a biological pesticide, nor shall any city agency, contractor or any person acting under the direction of such city agency or contractor apply any pesticide to any portion of any property owned or leased by the city that is within 75 feet of any natural body of water or wetland, except as provided for in sections 17-1205 and 17-1206 of this chapter.

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

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

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

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

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

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

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

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

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

[(7)] biological pesticides; and

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

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

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

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

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

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

the commissioner deems reasonable and necessary to determine whether such waiver should be granted. In determining whether to grant or deny a request for a waiver, the commissioner shall consider whether the application of 17-1203 would be, in the absence of the waiver, 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. Such waiver may be issued with respect to one or multiple applications and may be granted for a term deemed appropriate by the commissioner, provided, however, that such term shall not exceed [one year] 14 days. Within thirty days of granting a waiver, the department shall provide the pest management committee with a copy of such waiver.

§ 6. This local law takes effect immediately.

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