



Legislative Initiatives and NYC's Pesticide Tracking Effort

Policy Implications from NYC's Pesticide Tracking

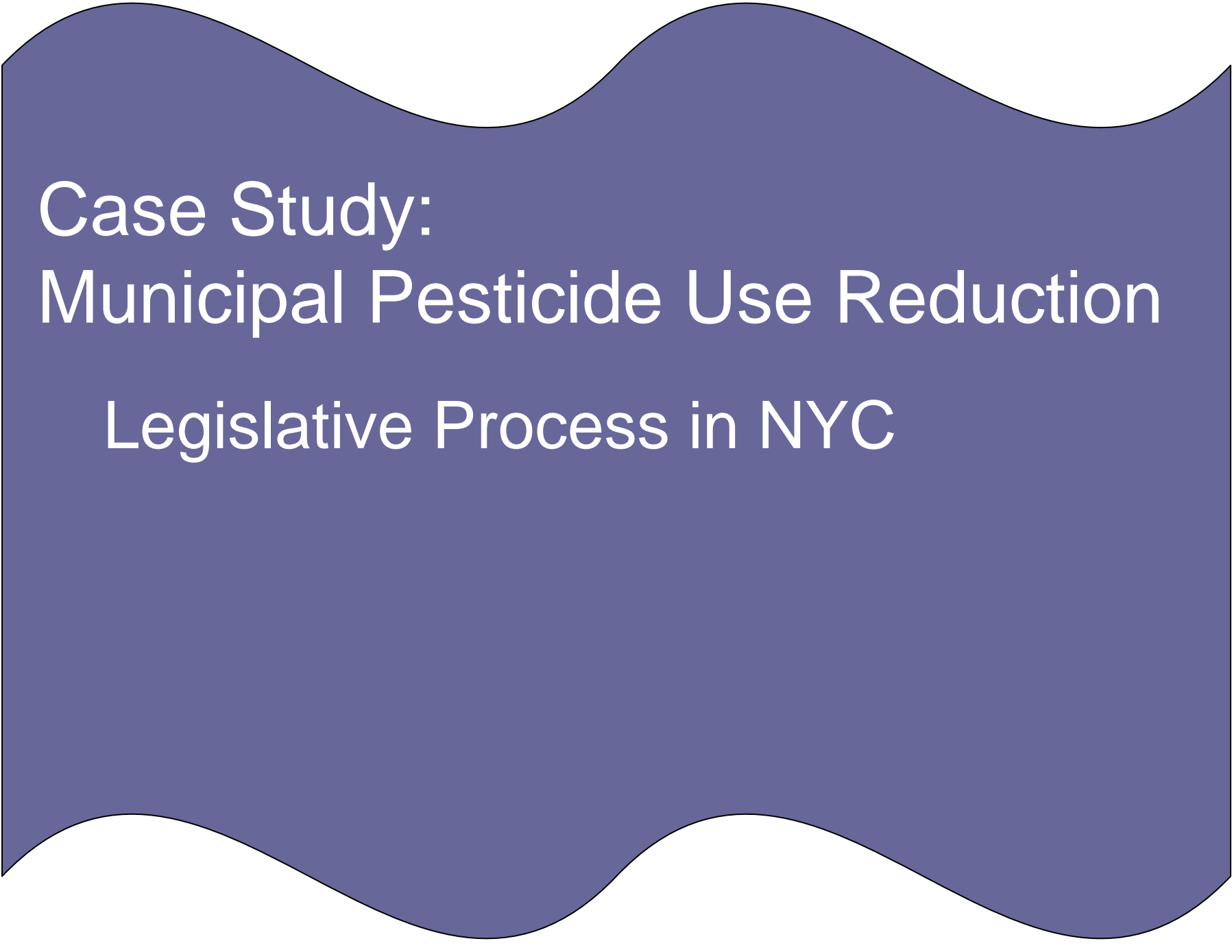
- Chemicals implicated in negative health outcomes have been widely used in NYC, and their use should be minimized.
- Personal use of pesticides is disproportionately high among low income families and among some racial/ethnic communities.
- The sale of illegal pesticides, like Tempo, in predominantly Hispanic communities should be stopped.
- Quality of reported commercial pesticide use data needs to be improved.
- Families, landlords, pest control professionals are appropriate targets for pesticide use reduction messages.
- Addressing housing disrepair is critical.
- Controlling infestations will ultimately reduce pesticide use.
- Promoting integrated pest management will help reduce infestations.

Some Possible Policy and Legislative Initiatives

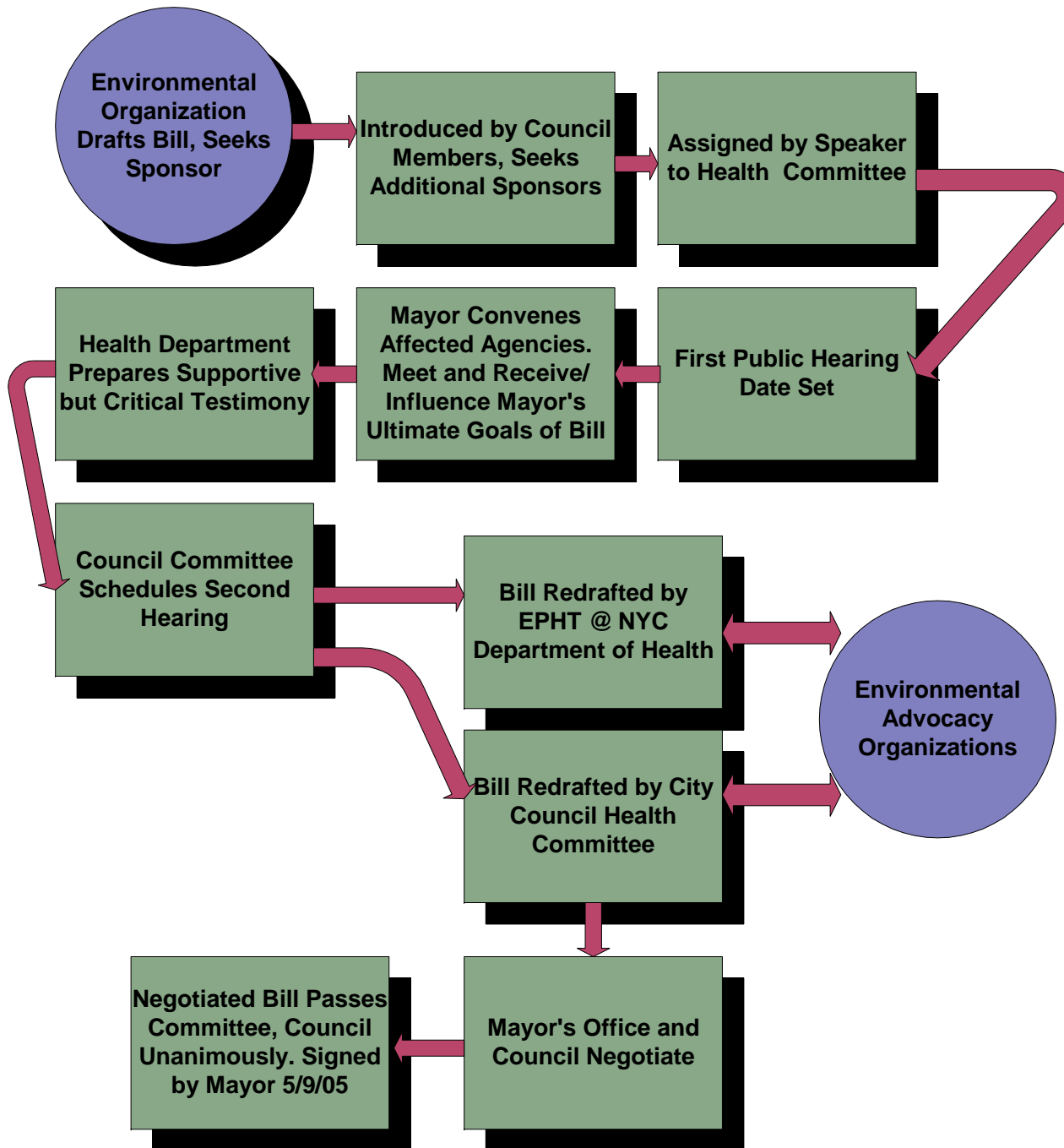
- Federal
 - HUD Guidelines on pest control in public and subsidized housing (litigation pending) (Regulatory)
- State
 - Require electronic reporting by applicators to PURS Legislative
 - Require IPM training for licensed applicators (Regulatory)
 - Increased enforcement against unlicensed applicators, non-reporting applicators, illegal sales Administrative
- Local
 - Revision of Health, Housing and Building Codes relating to pest control Board of Health, (Regulatory and Legislative)
 - Modifying Standard Procedures in public housing on pest control. (Administrative)
 - Lawncare pesticide notification opt-in (Intro 328). (Legislative)
 - Municipal pesticide use reduction (Intro 329). (Legislative)

How Tracking Can Influence This Process

- Highlight concerns to appropriate audiences.
- Tie data to policy implications in publications and presentations.
- Use data to analyze legislative/regulatory scenarios.
- Ensure legislation facilitates rather than hinders future tracking



Case Study:
Municipal Pesticide Use Reduction
Legislative Process in NYC



Environmental
Organization
Drafts Bill, Seeks
Sponsor

New York State PURS-based
report on pesticide use in NYC by
NYPIRG and
Environmental Advocates of NY

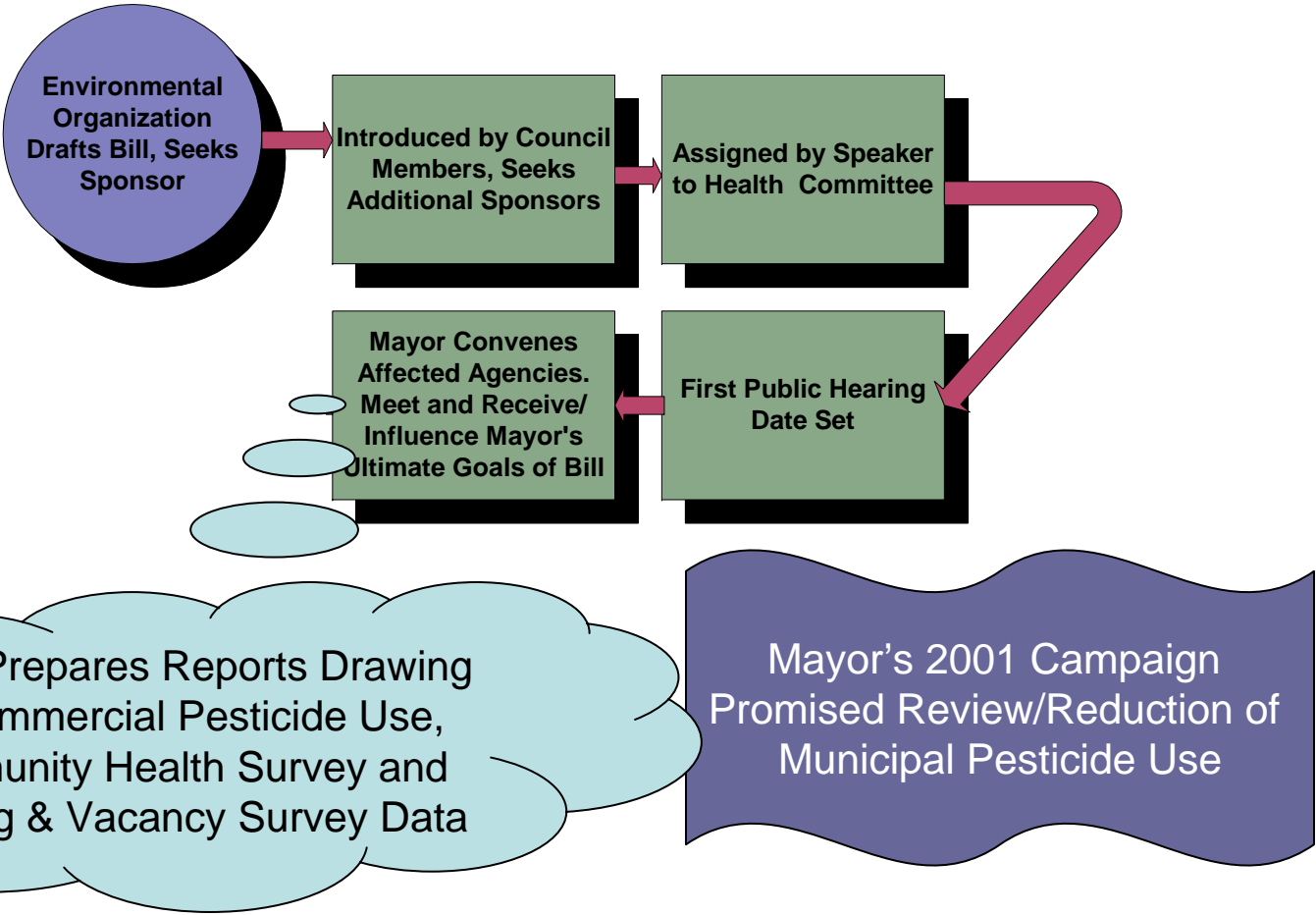
NYPIRG and EANY Join
NYC EPHT Planning Consortium
Pesticide Workgroup



Initial review assigned to DOHMH. Within DOHMH, assigned to EPHT, rather than Pest Control

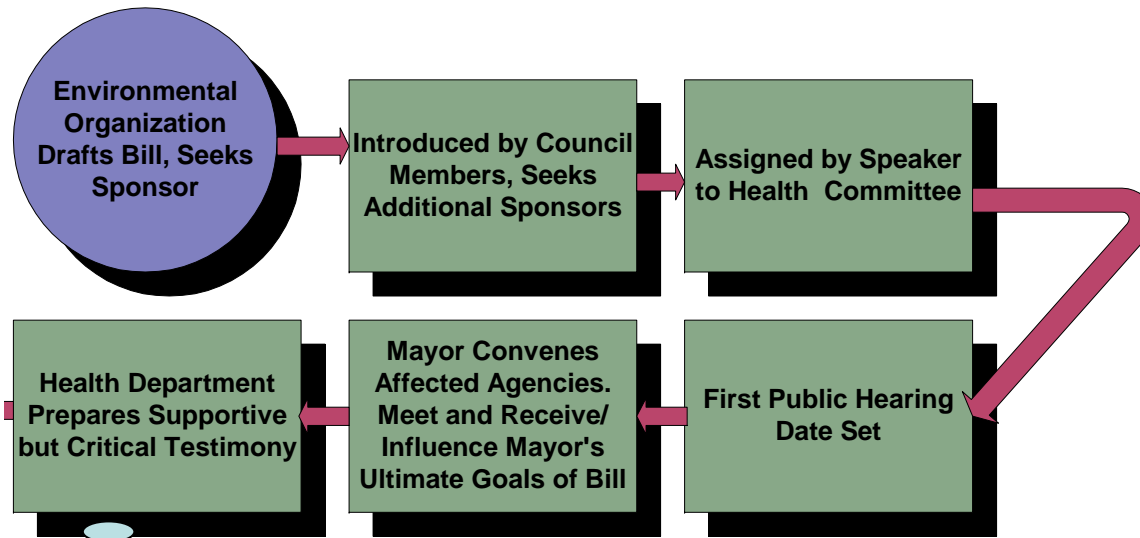
Some of Initial Draft's Provisions of Intro 329:

- Immediate Prohibition of EPA-Designated "Tox Category I" Products
- Phase-In of Known, Probable, Possible Carcinogens
- Phased-in Prohibition of EPA-Designated "Tox Category II" Products
- Insistence on use of "Non-Pesticide Alternatives"
- Creation of Inter-Agency Pest Control Committee
- DOHMH Designated Lead Agency
- Pesticide Use Reporting to City Council



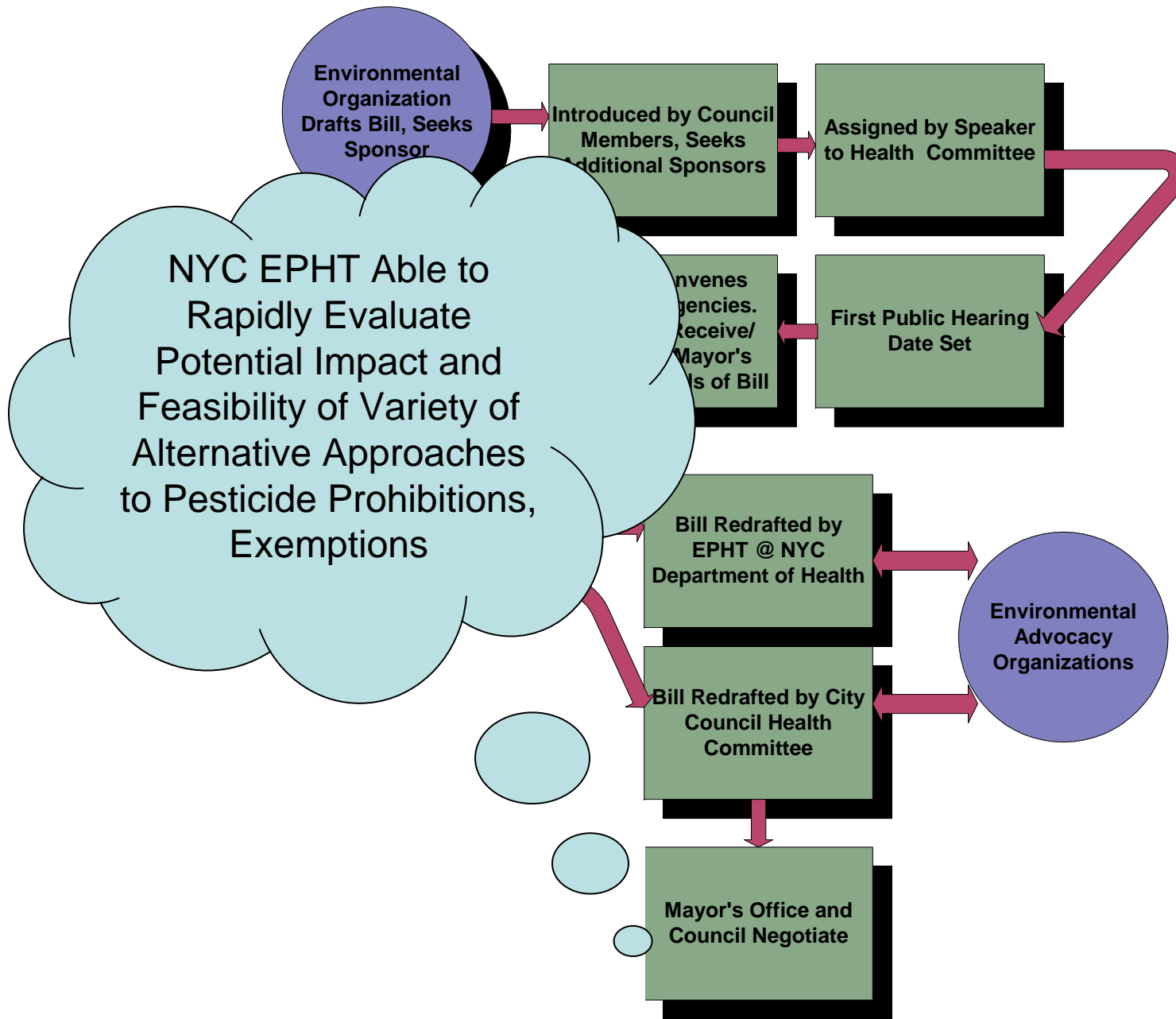
Report Examples:

- Documentation of Extent of Infestation
- Geographic Patterns of Chemical Use
- Chemical Class / Characteristic Reports
 - Carcinogen Use Quantities and Patterns
 - Example: 107,000 gallons, 284,000 pounds used in 2002.
- Listings of Affected Products
 - Carcinogens (based on EPA List)
 - Tox I and Tox II Category Products
- Acknowledged Limitations:
 - Cannot quantify share of use that is on municipal property
 - Uncertainty within agencies over own and contractors' product use



DOHMH Testifies in Support of Bill, Identifying Weaknesses and Hinting at Alternatives.

At hearing, DOHMH acknowledges dearth of data on City's own use pesticides and agrees to "work on it."



EPHT During Negotiation Process:

- Quantities and Geographic Patterns of Known, Probable, Possible Carcinogens Used in NYC (minus those to be exempted).
- Evaluation, using Pesticide Tracking, San Francisco Permitted Product List, Seattle Lists
- After DOHMH proposes replacing prohibition of Toxicity Category II Products with California Prop 65 Developmental Toxins, NYC EPHT distributes to NYC Agencies product list and quantities used in NYC.
Example: 70,000 gallons, 90,000 pounds used in 2002.
- Some maps, reports previously released to Pesticide Workgroup of EPHT surface at City Council.

**Negotiated Bill Passes
Committee, Council
Unanimously. Signed
by Mayor 5/9/05**

Final Version of Intro 329: Key Provisions

- Immediate Prohibition of Tox I Category Pesticides
- Phased-In Prohibition of Known, Probable, Possible Carcinogens (and equivalents) Listed by EPA
- Phased-In Prohibition of California Prop 65 Developmental Toxins
- Exemptions for baits, gels, mosquito control, golf courses, professional ball fields
- DOHMH is lead agency
- Inter-agency pest control committee
- Annual pesticide use reporting to City Council *and* DOHMH

Major Gains and Disappointments for NYC EPHT

- Agency and advocate recognition of expertise, data capabilities around pesticide use.
- Science- and data-guided municipal pesticide use reduction
- EPHT advocated for mandatory electronic pesticide use reporting by agencies and their contractors to DOHMH. Not in final bill.
- But, EPHT is developing software for all agencies to provide to users, contractors for voluntary electronic reporting, and ...
- DOHMH is permitted rulemaking authority under this bill.

Oh And Two Last Things:

- EPHT determined Intro 329 Implementation requires 2.5 FTE's. Commissioner makes request to Mayor's Office.
- Commissioner decides EPHT should manage implementation and coordinate inter-agency pest control committee.
- NYC Office of Management and Budget Denies Budget Request.