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August 22, 2011

Dear Judge Daniels,

I wrote the following letter to present information concerning the case *No Spray, et al. v New York City Department of Health* and to request specific measures by the Court.

The NYCDOHMH has this month launched a widespread pesticides spraying program, mostly in Brooklyn and Queens. I argue here that in applying for and granting to itself waivers from Local Law 37 enabling it to legally conduct the spraying, the New York City Department of Health failed to seriously consider: a) the admissions it made concerning the dangers of pesticides in the 2007 stipulated Settlement Agreement; and b) the 4 pillars for waivers in Local Law 37 (referenced also as a separate point in the Settlement Agreement). These amount to a violation of the terms of the Settlement Agreement as well as key provisions of Local Law 37.

The NYC DOH presented incomplete and misleading information *to itself*, which allowed the NYC DOH to grant (to itself) waivers from NYC Local Law 37 that would otherwise prevent the City from engaging in wholesale pesticides spraying.

In specific, I detail the evidence for vacating NYC DOH's waivers on the following grounds:

1. The City has illegally circumvented local law 37's attempt to protect against health & environmental dangers;
2. The City has entered into multi-year pattern that misinterprets and misuses the laws forbidding spraying of toxic pesticides on City lands;
3. The City has failed to abide by its own admissions in the Settlement Agreement, review the latest scientific research, and participate in discussions with the No Spray Coalition in good faith;
4. The City has failed to evaluate the "Public Health Threat" from West Nile and pesticide spraying, and update the City's Comprehensive Mosquito Surveillance and Control Plan annually. There is no plan for 2011, no Environmental Impact Statement, no public hearings in contradiction to Local Law 37 and other regulations;
5. The City has repeatedly failed to properly notify the public before spraying pesticides, in violation of Local Law 37 and other regulations, and in violation of the Settlement Agreement;
6. The City has failed to seriously utilize safer alternatives to pesticide spraying;
7. The City has failed to respond in a timely fashion to important questions and concerns from NY Assembly member William Colton, and others;
8. The City is illegally spraying toxic pesticides on the people and environment of New York.

At the end of the letter, I ask the Court to take particular measures to remedy all of the above and to protect the residents and visitors to New York, and the natural environment, from the extremely dangerous, unnecessary, ineffective and illegal mass spraying of toxic pesticides.

I've delivered a copy of this letter and exhibits to the NYC Department of Health.

Sincerely,

Mitchel Cohen
Coordinator, No Spray Coalition