

**Mosquito and Vector Control
Association of California**
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December 12, 2011

The Honorable Barbara Boxer
United State Senate
112 Hart Senate Office Building
Washington, DC 20510

Dear Senator Boxer:

As representatives of the Mosquito and Vector Control Association of California (MVCAC), we are contacting you to respectfully request your support in addressing H.R. 872, "The Reducing Regulatory Burdens Act of 2011." H.R. 872 was introduced in response to the costly and redundant regulations imposed by a new Clean Water Act (Act) NPDES permit requirement that now mandates public agencies that apply pesticides to protect public health to obtain an NPDES permit. As you may know, mosquito and vector control agencies are now required to comply with the Clean Water Act as of November 1, 2011.


We ask that you allow the Senate to address H.R. 872 prior to the end of the legislative session. H.R. 872 is fiscally responsible legislation, eliminating excessive regulatory burdens on public health. Our members protect the health of Californians from such threats as West Nile virus and other encephalitis viruses through comprehensive mosquito and vector control and disease surveillance. H.R. 872 has received overwhelming bi-partisan support both in the House and Senate and statewide in California.

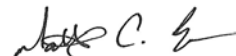
H.R. 872 would amend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Water Pollution Control Act to clarify the intent of Congress regarding the regulation of pesticides. Specifically, it would direct federal and state governments not to require an NPDES permit under the Federal Pollution Control Act for discharge of a pesticide or residue registered under FIFRA with a few limited exceptions.

H.R. 872 addresses a duplicative regulatory burden, since these pesticides are already regulated under FIFRA. Mosquito control pesticides are necessary to protect human and animal health. As you know, all pesticides, including agricultural and public health pesticides (such as those used to control mosquitoes and prevent mosquito-borne diseases), undergo a stringent regulatory process for registration under FIFRA. They are given explicit labeling which regulates their uses to protect the public and the environment, including waters of the U.S.


MVCAC members are now facing the high cost of complying with the NPDES permit system which will impact their ability to address new species infestations, West Nile virus outbreaks and other mosquito-borne diseases. The cost to comply is estimated at \$1,300,000 annually. Our members are facing tough economic times with decreasing property tax values, which have a direct nexus to our agencies' financial resources. This permit does not appear to have a basis to ensure additional environmental protection or water quality. Mosquito control accounts for only a tiny fraction of the pesticides applied in California and the materials used are target specific and very low in toxicity.

On behalf of MVCAC members and the constituents they protect, we want to thank you for consideration of our request to move H.R. 872 to a full discussion by the Senate. We have attached a coalition letter from numerous national constituent organizations which support our request.


Michael Alburn
Delta VCD



Matthew Ball
Butte County MVCD

Paul L. Binding
Paul Binding
Santa Cruz County MVCD


Kenneth Bayless
Greater LA County VCD


Jon Blegen
Solano County MAD

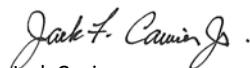

Peter Boronda
Shasta MVCD



David Brown
Sacramento-Yolo MVCD



Karen Bender
Eldorado County Environmental
Management


Joel Buettner
Placer MVCD



Michael Cavanagh
Kings MAD



Jack Cavier
Glenn County MVCD



Min-Lee Cheng
West Valley MVCD



Michael Churney
Burney Basin MAD



Elizabeth Cline
Fresno Westside MAD



D. Andrew Cox
Tehama County MVCD

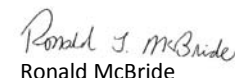

Lloyd Douglass
East Side MAD

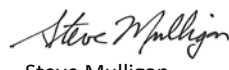

Craig Downs
Contra Costa MVCD



Kenn K. Fujioka
San Gabriel Valley MVCD



Scott Heringer
Pine Grove MAD


Allan Inman
Merced County MAD

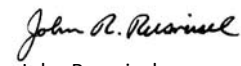

Ronald McBride
Sutter-Yuba MVCD

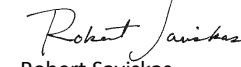

Steve Mulligan
Consolidated MAD



Tim Phillips
Fresno MVCD

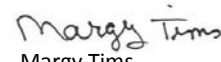

Robert Quiring
Kern MVCD

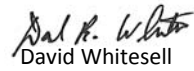

Ronald Ross
San Benito County Agricultural
Commission


John Rusmisl
Alameda County MAD

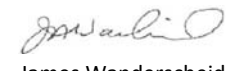

Robert Saviškas
Los Angeles West Vector & Vector-
Borne Disease Control District



Jamesina Scott, Ph.D.
Lake County VCD



Margy Tims
West Side MVCD

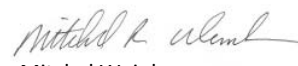

David Whitesell
Colusa MAD


Robert Gay
San Mateo County MVCD


James Wanderscheid
Marin/Sonoma MVCD


Michael Hearst
Orange County VCD


Branka Lothrop
Coachella Valley MVCD


Mitchel Weinbaum
Compton Creek MAD

November 30, 2011

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Senator Reid and Senator McConnell:

As you are aware, the U.S. Environmental Protection Agency (EPA) recently issued its 175 page National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) for discharges from the application of pesticides under the Clean Water Act (CWA). It also released a 137 page "Final PGP Fact Sheet" applicable to the NPDES PGP.

EPA recognizes that the substantial expansion of the NPDES program to additional pesticides applications was solely caused by the decision of the 6th Circuit Court in the *National Cotton Council of America v. EPA*. The court overturned an express EPA regulation reflecting the agency's more than 30 year policy that under the CWA an NPDES permit was not required for Federal Insecticide Fungicide and Rodenticide Act (FIFRA)-authorized pesticide applications. We believe that the agency's regulation correctly interpreted congressional intent under the CWA and that Congress needs to take the necessary action to confirm that original intent. The aquatic impacts of pesticides have always been and should continue to be regulated under FIFRA.

Once the 312 pages of regulatory material were released, it became clear that many pesticide users, including agricultural producers, state and local governments, and public health agencies, are now subject to the new permitting program, potential citizen suits and the substantial penalties of the CWA. We legitimately question the need for this tremendous expansion of the NPDES permit program in view of the additional burden and unwarranted legal jeopardy it now imposes on pesticide users. Congress should act to restore the appropriate scope of the NPDES permitting process through adoption of H.R. 872.

That legislation passed the House on a bipartisan basis and we believe there are more than 60 senators who would vote in favor of its adoption. In addition, many states have made clear that they neither need nor want the additional regulatory responsibilities associated with administering this program given the little to non-existent environmental gains associated with it. Administration of the new regulations adds a significant burden to states that already have limited and dwindling resources.

There is still time to provide legislative relief to address the permit program burden reflected in the 312 pages of regulatory material and to reduce vulnerability to citizen suits that users face

before EPA's announced implementation goal of the first of the year. We urge you to act promptly to advance H.R. 872 to preempt EPA implementation of the overreaching and unneeded expansion of EPA regulatory authority.

Sincerely,

Agricultural Retailers Association
American Farm Bureau Federation
American Frozen Food Institute
American Mosquito Control Association
American Nursery and Landscape Association
American Soybean Association
Aquatic Plant Management Society
Chemical Producers and Distributors Association
Cranberry Institute
CropLife America
Far West Agribusiness Association
Golf Course Superintendents Association of America
National Alliance of Forest Owners
National Agricultural Aviation Association
National Association of Chemical Distributors
National Association of Independent Crop Consultants
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Farmers Union
National Grange
National Pest Management Association
National Potato Council
National Water Resources Association
North Central Weed Science Society
Northeastern Weed Science Society
Northwest Horticultural Council
The Professional Landcare Network
RISE (Responsible Industry for a Sound Environment)
Rocky Mountain Agribusiness Association
Southern Weed Science Society
United Fresh Produce Association
U.S. Apple Association
USA Rice Federation
Weed Science Society of America
Western Growers Association
Western Society of Weed Science