



**Mosquito and Vector Control  
Association of California**  
1215 K Street, Suite 2290  
Sacramento, CA 95814  
p: 916.440.0826 f: 916.231.2141  
[www.mvcac.org](http://www.mvcac.org)

December 12, 2011

The Honorable Dianne Feinstein  
United State Senate  
331 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Feinstein:

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 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