



MVCAC

Mosquito and Vector Control
Association of California

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January 26, 2011

The Honorable Governor Jerry Brown
California State Capitol
Governor's Office, Suite 1173
Sacramento, CA 95814

RE: Court Decision on NPDES Permit Puts Financial Strain on California

Dear Governor Brown:

On behalf of the Mosquito and Vector Control Association of California (MVCAC), we thank you for the opportunity to provide comments regarding burdens local governments are facing during these struggling financial times. Our organization represents over 60 local government agencies providing mosquito and vector control services to the citizens of California. We recognize the looming state budget deficit you face is daunting. MVCAC applauds your efforts of thinking outside the box and putting more control in the hands of local agencies to address issues impacting their constituents.

The General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Pesticide Discharges from Vector Control Applications ("Permit") being considered by the State Water Resources Control Board will entail a significant increase in costs to local public agencies providing mosquito and vector control services with no foreseeable environmental benefit. The public health pesticide applications affected are already fully regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as a part of the pesticide registration process. This Permit is proposed in response to a recent 6th Circuit Court of Appeals ruling pursuant to a reinterpretation of the Clean Water Act ("Act") that brings applications of public health pesticides under its jurisdiction if the application is in, over or near waters of the United States. This constitutes a considerable increase in the scope of the original statute and ignores both the original intent of the legislation and the successful mosquito and vector control practices in place since the Act's enactment 30 years ago. On behalf of our members, we respectfully request you to outreach to the California Congressional delegation to prompt a review and amend the Act to reduce the unnecessary financial burden this permit will place on the public health agencies of California attendant to this unfunded federal mandate.

To help in this endeavor, we offer the following amendment to the Act that we believe restores an appropriate balance of environmental stewardship, reduces undue regulatory and financial burdens on California agencies, and protects the public health of the citizens of California.

The proposed amendment to the Act would read as follows:

“Pesticides identified as public health pesticides shall not be defined as pollutants when applied according to FIFRA labeling and shall not require NPDES permits.”

This simple amendment will save hundreds of millions of dollars. We suggest collaborating with Senator Barbara Boxer, current Chair of the Senate Environment and Public Works Committee, to offer this amendment and eliminate the undue financial burden that has been placed on public health agencies in California. The language as currently written will cost local taxpayers money yet offer no increased public health protection to them and no tangible benefit to the environment.

Again, thank you for the opportunity to express our concerns about the physical, environmental and financial health of California. MVCAC leadership would welcome an opportunity to meet with you or members of your staff to further discuss the proposed amendment to the Act.

Most sincerely,

A handwritten signature in cursive script that reads "Robert Gay".

Robert Gay
President