

**POSITION PAPER REGARDING
THE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMIT FOR RESIDUAL PESTICIDE DISCHARGES
FROM VECTOR CONTROL APPLICATIONS**

Currently under consideration by the State Water Resources Control Board is the General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Pesticide Discharges for Vector Control Applications ("Permit"). Once approved, local government agencies that perform mosquito abatement efforts to protect public health and the environment will realize a significant increase in costs to comply with the Permit with no foreseeable environmental benefit.

These public health pesticide applications help prevent outbreaks of diseases like West Nile virus and Dengue fever and are fully regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as a part of the pesticide registration process.

This NPDES permit is proposed in response to a 6th Circuit Court of Appeals ruling reinterpreting the Clean Water Act (CWA) that brought these public health pesticide applications within the CWA jurisdiction "*if the application is in, over or near waters of the United States.*" This constitutes a considerable increase in scope of the original statute and we believe ignores both the original intent of the legislation and the successful vector control practices in place since its enactment over 30 years ago.

U.S. EPA has conservatively estimated that the paperwork burden resulting from this new permitting requirement will exceed **\$50 million** nationally. It is further believed that the actual costs will be much greater than this estimate.

Mosquito and vector control agencies do not have the resources to absorb these significant additional costs without impacting their public health and welfare missions.

Mosquito and Vector Control Association of California (MVCAC) is proposing an amendment to the CWA and respectfully request your assistance with members of California's Congressional Delegation to support that amendment that we believe will restore an appropriate balance of environmental stewardship; reduces undue regulatory and financial burdens on California's mosquito and vector control agencies; and, protects the public health of the citizens of California.

The proposed amendment to the Clean Water Act reads as follows:

"Pesticides indentified as public health pesticides shall not be defined as pollutants when applied in accordance with FIFRA labeling and there use for such purposes shall not require NPDES permits."

Adoption of this simple amendment will help avoid adverse impacts to the public health and welfare and will avoid the unnecessary expenditure of scarce financial resources.

MVCAC is aware of a much broader coalition of impacted parties that has formed for the purpose of seeking a legislative solution. MVCAC is participating and supporting this effort. To these ends, MVCAC supports whatever legislative solution is necessary that would achieve the goal of eliminating the need for California's mosquito and vector control agencies from having to unnecessarily spend scarce public revenues dealing with NPDES permits.

For more information regarding this issue, please feel free to contact:

(List MVCAC contacts here)