

December 5, 2017

The Honorable John Barasso
Chairman Senate Committee
on Environment & Public Works
410 Dirksen Senate Office Building
Washington DC 20510

The Honorable Tom Carper
Ranking Member Senate Committee
on Environment & Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Barroso and Senator Carper,

On behalf of the undersigned organizations, we urge your support and adoption of S. 340, the *Sensible Environmental Protection Act of 2017*. This bipartisan legislation, introduced by Sen. Crapo (R-ID) and Sen. McCaskill (D-MO), would foster the protection of public health, the environment and our national food supply.

For almost forty years, the Environmental Protection Agency (EPA) and pesticide applicators, including public health agencies charged with mosquito control, operated exclusively under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). All pesticides are reviewed and regulated for use with strict instructions on the EPA approved product label. A thorough review and accounting of impacts to water quality and aquatic species is part of every EPA review. In fact, EPA has testified to the adequacy of FIFRA's comprehensive regulatory requirements including protection of aquatic species and drinking water.

However, pesticide users are now subjected to a court created requirement that lawful applications over, or near "waters of the U.S." obtain a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit from EPA or delegated states. Requiring these water permits for pesticide applications is redundant and provides no additional environmental benefit. S 340 clarifies that federal law does not require this redundant permit for already regulated pesticide applications.

Though the NPDES permit burden lacks any additional environmental benefit under these circumstances, it does impose costs on thousands of small application businesses and farms, as well as the municipal, county, state and federal agencies responsible for protecting natural resources and public health. Further, the permit *exposes all pesticide users* – regardless of permit eligibility – *to the liability of CWA-based citizen law suits*. In fact, for example, some applicators that once conducted mosquito abatement applications for local governments and homeowner associations – cannot afford the costs or risk of frivolous litigation that accompanies NPDES Pesticide General Permit (PGP)s and have refrained from conducting public health applications. Additionally, there currently is an ongoing lawsuit against a mosquito control district, forcing the district to spend its funds fighting in court instead of protecting public health.

In summary, requiring NPDES permits under these circumstances impacts the use of critical pesticides in protecting human health and the food supply from destructive and disease-carrying pests, in managing invasive weeds to keep open waterways and shipping lanes, to maintain rights of way for transportation and power generation, and in preventing damage to forests and recreation areas. The time and funds expended on redundant permit compliance drains public and private resources. All this for no measurable benefit to the environment.

House passage of similar legislation earlier this year (H.R. 953) shows a national commitment to advancing technology and public health. As such, we urge you to eliminate this unnecessary and duplicative regulation by moving forward in adoption of S. 340, the *Sensible Environmental Protection Act of 2017*.

Sincerely,

ADAPCO LLC	California Specialty Crops Council
Agricultural Retailers Association (ARA)	Camden County Mosquito Commission
Alabama Forestry Association	Cannock County Mosquito Abatement District
Alamosa, CO Mosquito Control District	Canyon County, ID Mosquito Abatement District
American Farm Bureau Federation	Cascade County, MT Weed & Mosquito Division
American Mosquito Control Association	Central Life Sciences
American Soybean Association	Charleston County Mosquito Control
AmericanHort	Chatham County, GA Mosquito Control
Animas, CO Mosquito Control District	Choptank, LLC
Aquatic Ecosystem Restoration Foundation	City of Alturas
Aquatic Plant Management Society	City of Baytown Texas Mosquito Control
Arkansas Agricultural Aviation Association	City of Sheridan, Public Works - Parks Dept.
Arkansas Forestry Association	Colorado Agricultural Aviation Association, Inc.
Associated Executives of Mosquito Control, NJ	Consumer Specialty Products Association
Atlantic County Office of Mosquito Control	Council of Producers & Distributors of Agro technology
Baker Valley Vector Control District	CropLife America
Barberton/Norton OH Mosquito Abatement District	Cumberland County Mosquito Control Division
Barker Valley, CA Vector Control District	Delaware Mosquito Control Section
Bay County Mosquito Control	Elmer Gray and Associates Entomological Services
Beach Mosquito Control District	Environmental Care Association of Idaho
Benton County, WA Mosquito Control District	Essex County Mosquito Control
Box Elder, UT Mosquito Abatement District	Flathead County, MT Mosquito Control Assoc.
Butte County, CA Mosquito & Vector Control	Florida Farm Bureau
Cache UT Mosquito Abatement District	Florida Fruit & Vegetable Association
Caddo Parish, LA Mosquito Control	
California Forestry Association	

Forest Landowners Association	Montana Mosquito & Vector Control Association
Franklin County Mosquito Control	Mosquito & Vector Control Association of California
Georgia Forestry Association	National Agricultural Aviation Association
Georgia Mosquito Control Association	National Alliance of Forest Owners
Glasgow Mosquito District, Glasgow, Montana	National Alliance of Independent Crop Consultants
Glenn County Mosquito & Vector Control District	National Association of Landscape Professionals
Golf Course Superintendents Association of America (GCSAA)	National Association of State Departments of Agriculture
Grand River Mosquito Control District	National Association of Wheat Growers
Hill County Mosquito District	National Corn Growers Association
Hudson Regional Health Commission	National Cotton Council
Iberia Parish Mosquito Abatement District	National Council of Farmer Cooperatives
Idaho Mosquito and Vector Control Association	National Onion Association
Illinois Agricultural Aviation Association	National Pest Management Association (NPMA)
Indian River Mosquito Control District	National Potato Council
Kansas Agricultural Aviation Association	National Sorghum Producers
Lake County Mosquito & Aquatic Plant Management	National Soybean Association
Lake Yale Baptist Conference Center	Nebraska Aviation Trades Association
Levy County Mosquito Control	New Hampshire Timberland Owners Association
Louisiana Forestry Association	New Hanover County Health Department, Vector Control Services
Louisiana Mosquito Control Association	New Jersey Mosquito Control Association
Mason Valley Mosquito Abatement District	North Carolina Agricultural Aviation Assoc.
Mercer County Mosquito Control, NJ	North Carolina Forestry Association
Michigan Mosquito Control Association	North Carolina Mosquito and Vector Control
Michigan Pest Management Association	North Central Weed Science Society
Middlesex County Mosquito Extermination Commission	North Shore Mosquito Abatement District
Mississippi Aerial Application Association	

Northeastern Mosquito Control Association
Northeastern Weed Science Society
Northwest Mosquito and Vector Control Association
Ocean County Mosquito Extermination Commission
Ohio Mosquito and Vector Control Association
Oklahoma Agricultural Aviation Association
Orange County, Florida Mosquito Control
Oregon Forest & Industries Council
Oregon Mosquito and Vector Control Association
Oregonians for Food and Shelter
Pennsylvania Vector Control Association
Pesticide Policy Coalition
Placer Mosquito and Vector Control District
Practical Vector Control
Responsible Industry for a Sound Environment (RISE)
Sacramento-Yolo, CA MVCD
Saginaw County Mosquito Abatement Commission
Salt Lake City Mosquito Abatement District
South Carolina Aerial Applicators Association
South Salt Lake Valley Mosquito Abatement District
Southeastern Lumber Manufacturers Association
Southern Weed Science Society
Suffolk County NY Vector Control
Sutter-Yuba Mosquito & Vector Control District

Taylor Tushar, Delta Vector Control District
Tennessee Forestry Association
Teton County (Wyoming) Weed & Pest District
Texas Forestry Association
Town of Callahan
Turlock Mosquito Abatement District
Tuscola County Mosquito Abatement
U.S. Apple Association
Uinta County Mosquito Control
United Fresh Produce Association
Unmanned Ingenuity LLC
USA Rice
Utah County Mosquito Abatement
Utah Mosquito Abatement Association
Virginia Forestry Association
Virginia Pest Management Association
Volusia County Mosquito Control
Warren County Mosquito Extermination Commission
Washington Forest Protection Association
Washington State Potato Commission
Weber UT Mosquito Abatement District
Weed Science Society of America
West Side Mosquito & Vector Control District
West Valley Mosquito and Vector Control District
Western Growers
Western Society of Weed Science

CC: Members United States Senate