



Conrad, Dorgan & Pomeroy ask EPA to reconsider new pesticide application regulations

By Agri-Pulse Staff

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Washington, Jan. 22 – Senators Kent Conrad (D-ND) and Byron Dorgan (D-ND) and Congressman Earl Pomeroy (D-ND) are urging the U.S. Environmental Protection Agency (EPA) to ensure that federal regulations under development for pesticide applications do not disrupt the activities of North Dakota’s farm and ranch community.

In a letter to EPA Administrator Lisa Jackson, the delegation voiced their concern over the development of regulations covering certain pesticide applications used by producers in North Dakota to protect their crops and livestock from various pests.

“We have heard from numerous farmers and ranchers who are deeply concerned about the implications this decision will have on pesticide applications in our state. In particular, they fear that your agency will develop a regulatory regime that will inhibit their ability to protect their crops and livestock from various pests,” the delegation wrote in the letter. “It is clear to us that whatever regulatory regime is developed by EPA, it must not disrupt the activities of North Dakota’s farm and ranch community.”

The delegation is responding to the EPA’s development of a general National Pollutant Discharge Elimination System (NPDES) permit to cover certain pesticide applications to, over, or near waters of the United States.

“We understand this is a difficult issue to navigate. But we cannot overstate how important it is to get the NPDES permitting process right,” the delegation said.

The full text of the North Dakota delegation’s letter follows:

January 21, 2010

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Administrator Jackson:

We write today regarding the Sixth Circuit Court decision in the case National Cotton Council v. U.S. Environmental Protection Agency (EPA).

Since this decision was delivered early last year, we have followed how the EPA is planning to develop a regulatory regime to comply with this decision. We have heard from numerous farmers and ranchers who are deeply concerned about the implications this decision will have on pesticide applications in our state. In particular, they fear that your agency will develop a regulatory regime that will inhibit their ability to protect their crops and livestock from various pests.

We understand the agency is developing a general National Pollutant Discharge Elimination System (NPDES) permit to cover certain pesticide applications to, over, or near waters of the United States. As this development has proceeded, we have heard from North Dakotans that they are concerned that what is being developed will be unworkable and will impact crop protection in North Dakota. It is clear to us that whatever regulatory regime is developed by EPA, it must not disrupt the activities of North Dakota's farm and ranch community.

We understand this is a difficult issue to navigate. But we cannot overstate how important it is to get the NPDES permitting process right. A cumbersome or unmanageable result could potentially lead to further litigation or various legislative solutions.

We look forward to your response on our concerns.

Sincerely,

Kent Conrad United States Senate
Byron L. Dorgan United States Senate
Earl Pomeroy Member Of Congress

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