

**Sierra Club ♦ Earthjustice ♦ Waterkeeper Alliance ♦
Natural Resources Defense Council ♦ National Audubon Society ♦
Friends of the Earth ♦ Environment America ♦ Clean Water Action ♦ Beyond Pesticides &
107 More Public-Interest Environmental Organizations Across the Country**

March 23, 2011

House Speaker John Boehner
Office of the Speaker
H-232 The Capitol
Washington, DC 20515

Democratic Leader Nancy Pelosi
Office of the Democratic Leader
H-204, US Capitol
Washington, DC 20515

RE: Oppose HR 872 the Reducing Regulatory Burdens Act

Dear House Speaker Boehner and Democratic Leader Pelosi:

On behalf of our millions of members and supporters nationwide, we strongly urge you to oppose the so-called “Reducing Regulatory Burdens Act” (HR 872), which would prevent the Environmental Protection Agency (EPA) from protecting our waterways from pesticide discharges. This bill would amend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to exempt applications of pesticides to waterways from the Clean Water Act’s National Pollutant Discharge Elimination System (NPDES). We oppose HR 872 and call on you to allow EPA to stop toxic pesticides from entering our waterways.

FIFRA regulates the sale and use of pesticides applications but does not provide any protections tailored to the conditions in specific bodies of water. This has caused a dangerous blind spot in protecting human health and ecosystems. Pesticides discharged into our waterways harm fish and amphibians and move up the food chain as well as contaminate drinking water supplies.

In the 2009 *National Cotton Council et al. v. EPA* opinion, the Sixth Circuit Court of Appeals ruled that certain pesticides are pollutants and that, under specific circumstances, Clean Water Act permitting requirements apply. Because of this decision, EPA has moved forward with a NPDES general permit for pesticides. By issuing a general permit, as opposed to having each individual discharger obtain a permit, EPA can provide timely and efficient coverage and simplify the permitting process for the majority of dischargers while protecting public health and water quality. The NPDES Pesticides General Permit will also require pesticide applicators

to analyze safer alternatives to pesticide use, and provide for at least some post-application monitoring for environmental impacts, thus helping to ensure public safety and creating consistency for the regulated community.

The Permit will be required for point source discharges of biological pesticides and for chemical pesticides that leave a residue in the affected waterway. **Contrary to representations made by proponents of HR 872, the Permit will have no significant effects on agricultural practices.** Existing agricultural exemptions in the Clean Water Act will remain. Irrigation return flows and agricultural stormwater runoff will not require NPDES permits, even when they contain pesticides. Also, the proposed Permit does not cover terrestrial applications for the purpose of controlling pests on agricultural crops or forest floors. Nor does it cover spray “drift” from aerial applications on crops. The only possible impacts on agriculture are for pesticide applications to crops grown directly in navigable waters and to irrigation systems that are themselves deemed navigable waters. This subset of potentially affected agricultural activities is small. The industry argument that farmers and ranchers will be burdened by this process is false. Their pesticide application does not fall under the purview of the proposed EPA permit.

Regulating pesticide discharges to water under the NPDES scheme is not duplicative of FIFRA regulation, and is surely necessary. Despite current regulation by FIFRA, pesticides are and will continue to impair our waterways in significant quantities, and have caused real harm to public health and ecosystems. The NPDES Pesticides General Permit is necessary to protect our waterways, public health, and fish and wildlife.

We urge you to oppose HR 872 and to support EPA’s Permit to ensure the health and safety of our communities and wildlife. Thank you for considering the views of millions of concerned citizens.

Sincerely,

Alaska Community Action on Toxics

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Stop West Nile Spraying Now!

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