

June 6, 2016
U.S. House of Representatives/U.S. Senate
Washington, DC 20515

Dear Representative/Senator:

On behalf of the over one hundred undersigned organizations, we **urge your support for the inclusion of H.R. 897, the Zika Vector Control Act, in any final conference agreement for H.R. 2577**. We also request that the sunset provision for H.R. 897 be removed as significant public health threats from mosquito borne diseases are likely to remain well beyond 2018.

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). In fact, EPA has testified to the adequacy of FIFRA's comprehensive regulatory requirements including substantial enforcement mechanisms in pursuit of that goal.

However, a 2009 activist-inspired lawsuit resulted in a federal court decision identifying a technicality in the law that Congress had not properly clarified its intent that FIFRA should have preeminence over the Clean Water Act (CWA). This decision resulted in pesticide users being required to obtain a CWA National Pollutant Discharge Elimination System (NPDES) permit. These permits were originally created to address the discharge of waste by major industrial polluters, but now are mandated for mosquito control districts and others who are intentionally introducing EPA-authorized pesticides into the environment for their beneficial purposes of trying to prevent or control the spread of public health disease in the U.S.

Though the NPDES permit burden lacks any additional environmental benefit under these circumstances, it does force substantial 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, and most menacing, the permit *exposes all pesticide users* – regardless of permit eligibility - *to the liability of CWA-based citizen law suits*. In a number of instances, applicators -- that once conducted mosquito abatement applications for local governments and homeowner associations -- can't afford the costs or risk of frivolous litigation that accompanies NPDES PGP's and have refrained from conducting public health applications.

H.R. 897, which is a provision included in the House passed version of H.R. 2577, would clarify Congressional intent that federal law does *not* require this redundant permit for already regulated pesticide applications.

In the 112th Congress, similar legislation (H.R. 872) passed the House Committee on Agriculture and went on to pass the House of Representatives on suspension. In the 113th Congress, the legislation (H.R. 935) passed both the House Committees on Agriculture and Transportation & Infrastructure by voice vote, and again, the House of Representatives. Now the bill, referred to as the Zika Vector Control Act, has passed the Committee on Agriculture and the House of Representatives yet again. With your help and support, it will soon become law.

Under these circumstances, requiring NPDES permits impacts the use of critical pesticides in protecting human health and the food supply from destructive and disease-carrying pests, and 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 measureable benefit to the environment. We urge you to **eliminate this unnecessary, expensive, and duplicative regulation by ensuring the Zika Vector Control Act, minus any sunset provision, remains in any final conference agreement for H.R. 2577.**

Sincerely,

Agribusiness Council of Indiana

Agribusiness & Water Council of Arizona

Agricultural Alliance of North Carolina

Agricultural Council of Arkansas

Agricultural Retailers Association

Alabama Agribusiness Council

American Farm Bureau Federation

Alabama Farmers Federation

American Mosquito Control Association

American Soybean Association

AmericanHort

Aquatic Plant Management Society

Arkansas Forestry Association

Biopesticide Industry Alliance

California Association of Winegrape Growers

California Specialty Crops Council

Cape Cod Cranberry Growers Association

The Cranberry Institute

CropLife America

Council of Producers & Distributors of Agrotechnology

Family Farm Alliance

Far West Agribusiness Association

Florida Farm Bureau Federation

Florida Fruit & Vegetable Association

Georgia Agribusiness Council

Golf Course Superintendents Association of America

Hawaii Cattlemen's Council

Hawaii Farm Bureau Federation

Idaho Grower Shippers Association

Idaho Potato Commission

Idaho Water Users Association

Illinois Farm Bureau

Illinois Fertilizer & Chemical Association

Kansas Agribusiness Retailers Association

Louisiana Cotton and Grain Association

Louisiana Farm Bureau Federation

Maine Potato Board

Michigan Agribusiness Association

Minnesota Agricultural Aircraft Association

Minnesota Crop Production Retailers

Minnesota Pesticide Information & Education

Minor Crops Farmer Alliance

Missouri Agribusiness Association

Missouri Farm Bureau Federation

Montana Agricultural Business Association
National Agricultural Aviation Association
National Alliance of Forest Owners
National Alliance of Independent Crop
Consultants
National Association of State Departments
of Agriculture
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Farmers Union
National Onion Association
National Pest Management Association
National Potato Council
National Rural Electric Cooperative
Association
National Water Resources Association
Nebraska Agri-Business Association
North Carolina Agricultural Consultants
Association
North Carolina Cotton Producers
Association
North Central Weed Science Society
North Dakota Agricultural Association
Northeast Agribusiness and Feed Alliance
Northeastern Weed Science Society
Northern Plains Potato Growers Association
Northwest Horticultural Council
Ohio Professional Applicators for
Responsible Regulation

Oregon Potato Commission
Oregonians for Food & Shelter
Pesticide Policy Coalition
Plains Cotton Growers, Inc.
Professional Landcare Network
RISE (Responsible Industry for a Sound
Environment)
Rocky Mountain Agribusiness Association
SC Fertilizer Agrichemicals Association
South Dakota Agri-Business Association
South Texas Cotton and Grain Association
Southern Cotton Growers, Inc.
Southern Crop Production Association
Southern Rolling Plains Cotton Growers
Southern Weed Science Society
Sugar Cane League
Texas Ag Industries Association
Texas Vegetation Management Association
United Fresh Produce Association
U.S. Apple Association
USA Rice Federation
Virginia Agribusiness Council
Virginia Forestry Association
Washington Friends of Farm & Forests
Washington State Potato Commission
Weed Science Society of America
Western Growers
Western Plant Health Association
Western Society of Weed Science
Wild Blueberry Commission of Maine
Wisconsin Farm Bureau Federation

Wisconsin Potato and Vegetable Growers
Association

Wisconsin State Cranberry Growers
Association

Wyoming Ag Business Association

Wyoming Crop Improvement Association

Wyoming Wheat Growers Association