

March 6, 2013

The Honorable Bob Gibbs
329 Cannon House Office Building
U.S. House of Representatives
Washington, DC 20015

The Honorable Kurt Schrader
108 Cannon House Office Building
U.S. House of Representatives
Washington, DC 20015

The Honorable Austin Scott
516 Cannon House Office Building
U.S. House of Representatives
Washington, DC 20015

The Honorable Mike McIntyre
2428 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20015

Dear Representatives Gibbs, Scott, Schrader and McIntyre:

The undersigned organizations represent a diverse group of public and private sector stakeholders who are significantly impacted by the court order declaring that certain lawful pesticide applications that are already regulated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) are nevertheless subject to Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency (EPA) or delegated states. This situation is the result of a 2009 decision of the 6th Circuit U.S. Court of Appeals that not only ignores Congressional intent but is unprecedented in the four-decade history of the law.

This decision provides virtually no environmental benefit because in fact all pesticide applications are already stringently regulated through FIFRA, including applications to and near water. EPA's FIFRA registration program contains specific consideration for such use patterns. The permits' compliance requirements impose resource and liability burdens on thousands of small businesses, farms, municipalities, counties, and state and federal agencies legally responsible for protecting public health, and exposes them to citizen law suits over infractions as minor as paperwork violations. Ultimately, we believe that the permit jeopardizes public health protection and the economy as regulators and businesses expend time and resources to implement and comply with these permits, all for no additional environmental benefits.

This national permit couldn't come at a worse time as our national economy struggles to recover from the recession and states and the federal government are facing budget cuts. The duplicative requirements affect all levels of government and industry, causing further unfunded mandates on fragile industries and governments, creating additional red tape, squeezing existing resources, and threatening further legal liabilities.

Pesticides play an important role in protecting public health, the nation's food supply, natural resources, infrastructure and green spaces. They are used not only to protect crops from destructive pests, but also to manage mosquitoes and other disease-carrying pests, and invasive weeds that choke our waterways and shipping lanes, impede power generation, and damage our forests and recreation areas.

On behalf of the undersigned organizations, thank you for working to clarify that Clean Water Act permits are not required for the lawful application of FIFRA-approved pesticides. We appreciate your leadership in introducing HR 935, the Reducing Regulatory Burdens Act of 2013.

Sincerely,

Alabama Farmers Federation
The Agribusiness Council of Indiana
Agricultural Council of Arkansas
Agricultural Retailers Association
American Farm Bureau Federation
American Mosquito Control Association
American Nursery & Landscape Association
American Soybean Association
Aquatic Ecosystem Restoration Foundation
Aquatic Plant Management Society
Arkansas Agricultural Aviation Association
Biopesticide Industry Alliance
California Cotton Growers Association
The Cranberry Institute
CropLife America
Council of Distributors and Producers of Agrotechnology
Delaware Maryland Agribusiness Association
Family Farm Alliance
Far West Agribusiness Association
Florida Fertilizer & Agrichemical Association
Georgia Forestry Association
Golf Course Superintendents Association of America
Hawaii Farm Bureau Federation
Idaho Water Users Association
Illinois Corn Growers Association
Illinois Fertilizer & Chemical Association
Louisiana Cotton and Grain Association
Louisiana Farm Bureau Federation
Michigan Agri-Business Association
Midwest Aquatic Plant Management Society
Minnesota Crop Production Retailers Association
Missouri Agribusiness Association
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 Barley Growers Association

National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Farmers Union
National Grape Cooperative
National Pest Management Association
National Potato Council
National Rural Electric Cooperative Association
National Water Resources Association
New York State Agribusiness
North Carolina Cotton Producers Association
North Carolina Forestry Association
North Central Weed Science Society
Northeastern Weed Science Society
Ocean Spray Cranberries, Inc.
Ohio AgriBusiness Association
Ohio Forestry Association
Oklahoma Agribusiness Retailers Association
Oklahoma Grain and Feed Association
Oregon Association of Nurseries
Oregon Farm Bureau Federation
Oregon Forest Industries Council
Oregonians for Food and Shelter
Oregon Water Resources Congress
Plains Cotton Growers, Inc
Professional Landcare Network
RISE (Responsible Industry for a Sound Environment)
Rocky Mountain Agribusiness Association
Southern Crop Production Association
South Carolina Fertilizer & Agrichemicals Association
Southern Cotton Growers, Inc
Southern Rolling Plains Cotton Growers Association
Southern Weed Science Society
South Texas Cotton and Grain Association
Texas Ag Industries Association
Texas Vegetation Management Association
United Fresh Produce Association
U.S. Apple Association
U.S. Hop Industry Plant Protection Committee
USA Rice Federation
Virginia Agribusiness Council
Virginia Christmas Tree Growers Association
Virginia Green Industry Council
Virginia Forest Products Association
Virginia Nursery & Landscape Association
Virginia Potato and Vegetable Growers, Inc.

Washington Friends of Farms & Forests
Washington State Potato Commission
Weed Science Society of America
Western Society of Weed Science
Wisconsin Agri-Business Association