

February 15, 2011

The Honorable Debbie Stabenow
United States Senate
Washington, DC 20510

Dear Chairwoman Stabenow,

The undersigned organizations represent a diverse group of public and private sector stakeholders who could be significantly impacted by a new federal policy under which the Environmental Protection Agency and delegated states will issue Clean Water Act National Pollutant Discharge Elimination System (NPDES) general permits for certain pesticide applications. This unprecedented action is the result of a 2009 decision of the 6th Circuit U.S. Court of Appeals.

This national permit proposal couldn't come at a worse time as our national economy struggles to recover from the recession. This proposal will hit 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 the nation's food supply, public health, 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, invasive weeds and animals that can choke our waterways, impede power generation and damage our forests and recreation areas.

For most of the past four decades, water quality concerns from pesticide applications were addressed within the registration process under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) rather than a Clean Water Act permitting program. We believe these NPDES permits will not provide any identifiable additional environmental benefits.

The permit's complex compliance requirements will impose tremendous new burdens on thousands of small businesses, farms, communities, counties and state and federal agencies legally responsible for pest control, and expose them to legal jeopardy through citizen suits over paperwork violations. Ultimately, the permit could jeopardize jobs, the economy and human health protections across America as regulators and permittees struggle to implement and comply with these permits.

We ask Congress to take action before the permits become final. The permit includes unrealistic deadlines for state delegated implementation and compliance, and it has become abundantly clear that many states will not meet the court ordered implementation date of April 9, 2011. Even at this late date, EPA has yet to release a final permit. Moreover, pesticide users will not have time to fully understand or come into compliance with the permits by the deadline, further increasing their liability.

Time is of the essence for Congress to address this looming regulatory threat. We are ready to help you in this effort in any way we can.

Sincerely,

Agricultural Retailers Association
Aquatic Plant Management Society
American Farm Bureau Federation
American Mosquito Control Association
American Nursery and Landscape Association
American Soybean Association
American Sugar Alliance
Cape Cod Cranberry Growers Association
Chemical Producers and Distributors Association
CropLife America
Golf Course Superintendents Association of America
Minor Crop Farmer Alliance
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 Grain Sorghum Producers
National Pest Management Association
National Potato Council
National Sunflower Association
New England Farmers Union
Professional Landcare Network
RISE (Responsible Industry for a Sound Environment)
US Apple Association
US Canola Association
USA Rice Federation
USA Dry Pea & Lentil Council
Weed Science Society of America
Western Growers Association