

May 5, 2011

The Honorable Senator Barbara Boxer  
United States Senate  
112 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Boxer:

The undersigned members of the California State Legislature write to support HR 872 “Reducing Regulatory Burdens Act of 2011,” regarding a regulatory development we believe will have a major impact on the abilities of our local mosquito and vector control agencies to protect the health of Californians and all Americans.

The State Water Resources Control Board recently adopted a permitting program for Residual Pesticide Discharges for Vector Control Applications in response to a 6th Circuit Court of Appeals ruling. The decision reinterpreted the Clean Water Act (CWA) and brought these public health pesticide applications within the CWA jurisdiction “*if the application is in, over or near waters of the United States.*” This change constitutes a considerable increase in the scope of the original statute and we believe ignores both the original intent of the legislation and the successful vector control practices in place for over 30 years. Complying with the provisions of the permit will significantly increase costs to the State of California and local government agencies that provide mosquito abatement services to protect public health and welfare, without providing any significant environmental benefit.

Public health pesticide applications help prevent outbreaks of mosquito-borne diseases like West Nile virus and the products used are fully regulated by the U. S. Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as a part of the pesticide registration process. In California, these products are further regulated by the California EPA.

The U.S. EPA has conservatively estimated that the paperwork burden resulting from this new permitting requirement will exceed \$50 million nationally. California State Water Board staff reports that compliance with the State permit would cost approximately \$200,000.00 to \$600,000.00 per applicator, an amount that exceeds the annual revenues of twenty percent of the mosquito control agencies in California. This would have a profound impact on the health and welfare of our people, especially those most vulnerable to mosquito-borne diseases.

In an effort to address this issue, HR 872 was recently passed in the House of Representatives with strong bipartisan support. This legislation clarifies Congressional intent regarding the regulation of the use of pesticides in or near navigable waterways.

We ask you to support HR 872 or companion Senate legislation that will clarify and resolve this issue. Thank you for your consideration of this issue. Should you have any questions, please do not hesitate to contact my office at 916-319-2031.

Sincerely,

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cc: Steve Mulligan, Consolidated Mosquito Abatement District