



NPDES Permits Talking Points & Things to Ask For

What to Ask For When Visiting House Members	What to Ask For When Visiting Senators
Urge Representatives to support H.R. 890 The Red Tape Act.	Let Senators know that while legislation is currently only in the House, the NPDES issue is important and needs to be fixed.

Background:

- Pesticide use and application is regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under FIFRA, EPA completes a thorough review and accounting of impacts to water quality and aquatic species in every registration and registration-review decision.
- When the Clean Water Act (CWA) passed, Congress intended that National Pollutant Discharge and Elimination System (NPDES) permits would be required for point-source pollutants like municipal sewage or industrial byproduct runoff.
- As a result of a 2009 6th Circuit court decision, NPDES permits are now required for pesticide applicators who make (oftentimes nominal) application of product to, over or near water in accordance with EPA registered *Directions For Use*, which use patterns that EPA has already defined.
- This 2009 ruling came despite EPA’s argument that pesticides applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) are exempt from the CWA’s permitting requirements because they are unnecessary and do not provide any additional environmental protection.

2018 Farm Bill

- During the 2018 Farm Bill Conference process, text was included that would have fixed this issue. Unfortunately, it was not included in the final version of the bill.

Current Legislation

- H.R. 890 The REDTAPE Act was introduced by Rep. Bob Gibbs (R-OH-7) earlier this year (it was introduced in the 115th Congress as H.R. 953 and passed the House)
- The REDTAPE Act would in no way dilute federal oversight of pesticide usage, as pesticides are already federally regulated under FIFRA. The Act would simply remove a duplicative and unnecessary requirement for applicators to request an NPDES permit.

Why NPMA Cares

- Pest management professionals are on the front lines of protecting the public, using a variety of tools, including pesticides. They are also licensed and certified, receiving extensive training and education concerning the safe and effective application of pesticides. Requiring pest management applicators to obtain NPDES permits to prevent and respond to potential disease outbreaks wastes valuable time. Water is the breeding location for public health pests like mosquitoes.
- Requiring NPDES permits imposes duplicative resource burdens on thousands of pest management professionals, providing no additional environmental benefit and only increasing the cost of providing pest management services.