

**NPDES Permits and Talking Points & Things to Ask For**

<b>What to Ask For When Visiting w/House Members</b>	<b>What to Ask For When Visiting w/ Senators</b>
<b>Urge Representatives to support Reducing Regulatory Burdens Act of 2017 (H. 953) and/or any legislation/rider that eliminates the unnecessary, burdensome and redundant NPDES permitting requirements.</b>	<b>Urge Senators to support the Bipartisan Sportsman Act of 2017 (S. 340) and/or any legislation/rider that eliminates the unnecessary, burdensome and redundant NPDES permitting requirements.</b>

- 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. They 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.
- NPDES permits are an unpractical and ineffective result of judicial activism and overreach in *Nat'l Cotton Council, et al. v. EPA, 553 F.3d 927 (6th Cir. 2009)*, which overturned existing U.S. Environmental Protection Agency (EPA) policy.
- The ruling came despite EPA's opposition and 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.
- Under FIFRA, human health and environmental impacts are reviewed by EPA on all pesticides. A thorough review and accounting of impacts to water quality and aquatic species is included in every EPA registration and registration-review decision. Requiring water permits for pesticide applications is redundant and provides no additional environmental benefit.
- Pest management professionals are licensed and certified, receiving extensive training and education concerning the safe and effective application of pesticides.
- Pest management professionals are on the front lines of protecting the public, using a variety of tools, including pesticides. Requiring pest management applicators to obtain an NPDES permit to prevent and react to potential disease outbreaks wastes valuable time. Water is the breeding location for public health pests like mosquitoes.
- Compliance with unnecessary NPDES water permits imposes duplicative resource burdens on thousands of pest management professionals and is also another unnecessary budget expenditure for Federal and State regulatory agencies.
- If EPA's proposed Waters of the U.S. (WOTUS) definition survives court scrutiny, the need for NPDES permits will exponentially grow due to the expansive definition of WOTUS to include any water with a "*significant nexus*" with "navigable waters."
- In the summer of 2016 a private citizen brought a lawsuit against a mosquito abatement district claiming a violation of the CWA and for not properly complying with the NPDES permit requirements. This is a chilling development for pest management professionals that could have national implications for providing necessary pest management services in and around WOTUS.