

## Mid Atlantic Mosquito Control Association

### 2013 Conference Notes

Keynote: NPDES, One Year Later - Joe Conlon

- a) A bit of the past
  - i) Lawsuits 2001-2010
  - ii) Mosquito control won all but one case
  - iii) EPA did not believe mosquito control was polluting
    - (1) Exemption ruling in 2006
    - (2) Environmental groups sued
    - (3) Big Agricultural groups (Cotton Council) sued for inclusion in exemption
  - iv) 6th Circuit Court disagreed
    - (1) Vacated EPA ruling
    - (2) NPDES permit required
    - (3) Pesticides are pollutants according to the Clean Water Act
    - (4) EPA got right on board with the new administration
  - v) Proposed environmental benefits - mosquito control was already doing these
    - (1) Mandatory equipment calibrations
    - (2) Annual reporting
    - (3) Enforceable under CWA as a permit violation
    - (4) Requires IPM
    - (5) Immediate notification of adverse events
  - vi) Environmental groups do not think this is enough
- b) Negative impacts
  - i) Direct cost of permit
  - ii) Redirecting of limited resources
  - iii) Man-hour costs
  - iv) Increased liability issues
    - (1) Loss of programs in small municipalities and rural communities -
    - (2) Social injustice
  - v) Loss of preventative mosquito control
    - (1) Increases use of adulticiding
    - (2) Increased costs
  - vi) Increased administrative and monitoring costs
  - vii) Allowing more human cases before responding to risk
  - viii) Burden on state water agencies
- c) The California Experience
  - i) Physical monitoring
    - (1) Lab costs - \$702,000
    - (2) Most of the required testing has nothing to do with pesticide application
  - ii) Program manager
  - iii) Visual/physical monitoring
  - iv) Administrative costs
  - v) Total amount > \$1 million
- d) Endangered Species Act
  - i) Required consultation with USFWS & NMFS

- ii) End results
  - (1) BiOp (biological opinion) with authorizations and conditions
  - (2) Cherry picking data
- iii) Rejected by 4th Circuit Court of Appeals - sent back to be reworked to use real data
- e) National Research Council
  - i) Best available scientific data and info
  - ii) Sub-lethal, indirect, and cumulative effects
  - iii) Mixtures and inerts
  - iv) Models
  - v) Interpretation of uncertainty
  - vi) Geospatial info and data sets
- f) Legislative relief
  - i) Senate agriculture committee
    - (1) HR 6087 - FIFRA precludes need for NPDES
    - (2) Restoring
  - ii) HR 872
    - (1) Passed House
    - (2) Hold put on it in Senate
      - (a) Sent to Agriculture Committee
      - (b) Should have gone to Environment and Public Works Committee
      - (c) Barbara Boxer working against it
      - (d) Harry Reid (Senate Majority Leader) uninterested
    - (3) Was going to be put as a rider in the appropriations bill - rejected
  - iii) HR 935 - reducing regulatory burden
  - iv) Other legislation being proposed -
    - (1) most are FIFRA based
    - (2) One is looking to seek a middle ground between FIFRA and the CWA
  - v) Farm Bill - still in play, sort of
- g) Strategy
  - i) Mosquito Control is protecting public health
  - ii) NPDES is an unnecessary expenditure and diversion of resources
  - iii) Danger of lawsuits
  - iv) EPA should defend their own registration protocols
  - v) Zoonotic disease risk increase
  - vi) NEED FOR SPOKESPERSON
  - vii) NEED FOR DATA