

Mr. President,

You wisely stated during your recent State of the Union address that we need to regulate “smarter” by ordering “every federal agency to eliminate rules that don’t make sense.” The vector control community fully concurs with this sentiment and seeks to bring to your attention a perfect example of a ruling that defines regulatory overreach.

Public Health mosquito control practices have recently become subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) via a Sixth Circuit Court ruling that defies original Congressional intent when it enacted the Clean Water Act (CWA) over 40 years ago. This new layer of regulation will not provide any foreseeable protection to our nation’s waters beyond that already mandated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and practiced by mosquito control agencies since their inception. Yet, meeting these new NPDES requirements places costly administrative and economic burdens on state and local governments - and their hard-pressed taxpayers. Adhering to these duplicative regulatory requirements will require significant diversion of scarce state and local resources. This will ultimately compromise the delivery of critical public health vector control services, chiefly in less affluent areas - a profound and completely unnecessary social injustice. In fact a number of smaller agencies in rural areas of the southeast are already preparing to cease mosquito control activities to avoid the administrative costs and potentially ruinous civil lawsuits attendant to liability under CWA.

HR 872, the “*Reducing Regulatory Burdens Act of 2011*”, which overwhelmingly passed both the full House and Senate Agriculture Committee on bipartisan votes last year, would eliminate this burden while still requiring regulatory compliance with FIFRA. However, HR 872 is being held from a floor vote by Senate Majority Leader Reid, even though it has the express support of over 60 senators from both sides of the aisle. Clearly, the people have spoken in its favor.

In your address, you also stated that “some of what’s broken has to do to do with the way Congress does its business these days.” No doubt those citizens in danger of losing vital public health vector control services would also agree with your concern about how a simple majority is no longer enough to get anything passed through the Senate. We would ask that you urge Senator Reid to bring HR 872 to a floor vote so that the people’s voice can be heard.