

Thank you to everyone that attended and sponsored the Washington Conference. The Hill visits, program and regulatory meetings were a huge success, and the timing could not have been better. May is a difficult time to be away from operational mosquito control, but **WOW** there is a lot going on with the federal government that impacts mosquito control these days. I can't express enough how important it is for all of us to educate legislators and regulatory agencies about what we do to protect their constituents from mosquitoes and mosquito transmitted diseases.

The two immediate, most important issues are **NPDES "fix" legislation and Endangered Species Act (ESA) consultations for pesticides**. If you're just tuning in, NPDES stands for National Pollutant Discharge Elimination Systems. NPDES is a permitting system under the Clean Water Act designed to regulate industrial waste discharged into Waters of the United States.

NPDES

AMCA has actively been seeking a legislative fix for NPDES since 2009 when federal courts ruled that pesticide applications made to, near or over water required an NPDES permit, even though pesticide uses are already regulated under another federal law, the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

Democrats and Republicans both support regulatory relief measures that help our farmers and public health mosquito control programs. Clean Water Act NPDES permits subject growers, mosquito control, and weed control operators to frivolous lawsuits and duplicative regulatory requirements.

We are so close to relieving mosquito control programs of the burdensome requirements under NPDES permits. The House and Senate both recently passed versions of the 2018 Farm Bill. This means after the 4th of July recess they will go into conference to decide on the bill that will go to the President's desk.

The House version of the Farm Bill includes NPDES "fix" language; the Senate Farm Bill does not contain measures relating to pesticides or regulatory relief. We have [champions in the House](#) that include Rep. Gibbs from Ohio; appropriate considering Toledo is the first mosquito control program to defend themselves in a NPDES related lawsuit. I would like to recognize and thank Sen. Crapo (ID), Sen. McCaskill (MO), Sen. Fischer (NE), Sen. Risch (ID), Sen. Heitkamp (ND), Sen. Barrasso (WY), Sen. Donnelly (IN) and many others for their support of an amendment to the Senate Farm Bill and cosponsoring [S. 340](#), the Senate bill that supports our cause.

Next steps- The AMCA Legislative and Regulatory Committee will be reaching out to members in key states to contact legislators participating in the Farm Bill conference to ensure they have accurate information on what NPDES permits do, don't do, and why the AMCA is concerned that the permits open the door for frivolous litigation and additional regulatory burdens.

ESA/Pesticide Comment Period Ends July 23rd

This is a follow-up to Karl Malamud-Roams [report to the membership](#) from March. Now is the time to act; deadline is July 23rd. The Environmental Protection Agency (EPA) recently determined that organophosphate pesticides used in mosquito control "may affect" 99% and are "likely to adversely affect" 97% of the endangered or threatened species in the U.S.A, and a [follow-up study](#) (Biological Opinion or BiOp) by the National Marine Fisheries Service (NMFS) concluded that about 50% of the listed species they oversee are in "jeopardy" of extinction, and about 75% of the critical habitats are likely to be adversely affected, if these pesticide registrations continue as they are today.

These two reports have suddenly escalated ESA to the front of the list of regulatory risks facing AMCA members. While AMCA is committed to protecting the environment from harm associated with mosquito control activities, we strongly disagree with the methods used in these ESA analyses, their conclusions, and the actions proposed to reduce risks to protected species. **Because the risk assessment methods used in these reports have been proposed as the standard for all future pesticide registration reviews, it is critical that they be refined.**

What you need to know:

EPA has been asked to implement the following revisions on all chlorpyrifos, diazinon, and malathion labels:

- Prohibit application of pesticide products when wind speeds are greater than or equal to 10 mph.
- Prohibit application of pesticide products when soil moisture is at field capacity, or when a storm event likely to produce runoff from the treated area is forecasted to occur within 48 hours following application.
- Report all incidents of mortality and adverse effects to non-target species that occur within the vicinity of the treatment area, including areas downstream and downwind, in the four days following application of and of these a.i.s to EPA's Office of Pesticide Programs.

The AMCA Board of Directors and L&R Subcommittee members are attempting to gather information on the following topics of interest:

The BiOp for chlorpyrifos, diazinon, and malathion is being included in the docket ([EPA-HQ-OPP-2018-0141](#)) to seek input on NMFS's jeopardy findings, RPMs and RPAs, and to solicit additional use and usage information. Specifically:

1. Comments on the scientific approaches and data sources used to support the BiOp and reach determinations for the listed species and critical habitat.
2. Comments on the RPAs and RPMs. Can they be reasonably implemented? If not, describe why not. Are there different measures that may provide equivalent protection to the ones in the BiOp but result in less impact to pesticide users?
3. Comments on national- and state-level use and usage data and information. In particular, EPA is seeking usage data and information for non-agricultural use sites (e.g., nurseries, managed forests, pasture, rights-of-way, golf courses, and wide-area mosquito control). If possible, provide sources of data and information that should be considered.

If you have comments on the information provided, please submit them to the Federal Register at ([EPA-HQ-OPP-2018-0141](#)) before July 23rd. Remember, this risk assessment process is likely to be repeated for all mosquito control active ingredients, so even if you do not use these actives the end result may still affect your program. If you have questions, please contact Angela Beehler angela@mosquitocontrol.org. Also, answer survey questions and respond to emails from your ESA Subcommittee members, Executive Committee, and Regional Directors over the next month. I can't express how important it is that we collect data from all states on pesticide usage and circumstances.