



AMERICA'S MOSQUITO CONTROL PROFESSIONALS NEED A FARM BILL

ISSUE: The draft 2024 Farm Bill reported by the House Committee on Agriculture in the 118th Congress contained several important provisions that would support our ability to respond to Vector-borne Disease threats. These provisions would reduce regulatory burdens, as well as enhance communication and cooperation between federal, state, and industry stakeholders regarding pesticide regulation, some of which were included in the working draft of the Senate Committee on Agriculture, Nutrition, and Forestry.

Enhanced coordination between the USDA Office of Pest Management Policy (OPMP) and the EPA:

To carry out their review of pesticides, the EPA must use the best available data and develop appropriate methodology that reliably assesses the potential risk to the species. The USDA OPMP can assist by quantifying the benefits of public health pesticides, including the negative impacts of intense mosquito bites and arboviruses on livestock and other animals. AMCA, along with the pesticide policy coalition, supports efforts in the 2024 Farm Bill to provide USDA a greater role in all actions affecting the sale, distribution and use of pesticides, including actions taken under the Endangered Species Act.

Elimination of NPDES Permits for Pesticide Applicators: 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. Due to a court order, they are now required for pesticide applicators who make applications of products to, over or near water. In short, NPDES permits for pesticides are the 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 do not provide any additional environmental protection.

Compliance with unnecessary NPDES water permits imposes duplicative resource burdens on thousands of pest management professionals and is another unnecessary budget expenditure for Federal and State regulatory agencies. The AMCA strongly supports language in the bill that would eliminate costly, duplicative, and unnecessary Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit requirements for pesticide applicators requirements which impact our members ability to adequately control mosquitoes.

Clarification on the role of state lead agencies regarding intrastate pesticide regulation the content of pesticide labels: State agencies, often housed in State Departments of Agriculture, have been the primary leads since the 1970's along with the EPA to administer FIFRA laws and support the development of scientifically-based pesticide labels that can be clearly read and safely administered by applicators. A handful of states allow county and municipal governments to impose additional pesticide regulations without the benefit of expert review. In recent years we have seen actions from localities that directly and unjustifiably contradict EPA's scientific findings on pesticide safety. These actions risk creating an unworkable, inconsistent patchwork of state or municipal labels and regulations that can quickly disrupt our ability to prevent vector-borne disease outbreaks by restricting access to these



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much-needed tools. Ensuring that pesticides are properly regulated is imperative for our health and safety. Since the 1970s, state lead agencies have worked with the EPA through cooperative agreements to administer and enforce FIFRA laws and support the development of science-based pesticide labels.

Support for state-level pesticide uniformity language within the Farm Bill will ensure that those with expertise at State agencies and EPA can determine pesticide usage regulations and continue to provide consistent pesticide labels, registration and oversight.

Reauthorization of Interagency Working Group (IWG): The 2018 Farm Bill established the Interagency Working Group for Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Endangered Species Act. Since then, AMCA has been working to address data gaps and concerns regarding pesticides used in public health programs. The USDA Office of Pest Management Policy (OPMP) was created in 1998 to coordinate USDA policy on pest management and pesticides. OPMP provides interagency coordination with EPA as well as with state regulators and industry stakeholders.

Support EPA's Office of Pesticide Programs to fulfill their statutory requirements under the FIFRA and PRIA5: In 2004, Congress enacted the Pesticide Registration Improvement Act (PRIA), a user fee program for the Office of Pesticide Programs (OPP). The Act has been reauthorized 4 times and prescribes a schedule of fees charged to registrants for pesticide registration actions under FIFRA. In exchange, the law establishes timelines for those registration actions. However, federal funding for the Office of Pesticide Programs has generally fallen over the past twenty years. As a result of underfunding and process inefficiencies, conventional pesticide registrations have been delayed by 70% past their timeline deadline. PRIA 5 stipulates total funding of \$166 million for OPP across three funding accounts. In addition to funding Pesticide Licensing in the Environmental Programs and Management account (\$147.1 million), OPP's budget includes funding for Pesticide Licensing in the Science and Technology account (\$5.9 million), which funds labs to do the regulatory tests that are required for registration, and for Pesticide Enforcement and Pesticide Program Implementation in the State and Tribal Assistance Grants account (\$13 million), which funds state lead regulatory agencies.

All pesticide products are regulated by OPP and go through registration review every 15 years. These products protect human health, communities, and the environment from pests and diseases. This level of funding ensures that OPP has the resources to meet statutory decision deadlines that enable new products to come to market.

NEEDED ACTION:

AMCA calls on Congress to swiftly enact a Farm Bill that provides regulatory relief for pesticide users, including language that would reauthorize the IWG on FIFRA/ESA; support an enhanced role for USDA's OPMP in federal pesticide regulation; prevent localities from regulating pesticides and maintain oversight by each state's lead agency and the U.S. EPA; and reduce regulatory burdens associated with pesticide applications that are duplicative of protections to water quality and aquatic organisms already regulated under FIFRA.
