



Protecting Public Health While Maintaining Environmental Safeguards

Mosquito Control Applications Should Be Exempt from Duplicative Clean Water Act Permitting

ISSUE: Mosquito control programs and public health agencies are taxpayer-funded entities that operate to prevent the spread of dangerous vector-borne diseases such as West Nile virus, dengue, Chikungunya, St. Louis encephalitis, and malaria. These programs rely on pesticides that are already extensively reviewed, registered, and regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by the U.S. Environmental Protection Agency (EPA), including potential impacts to water quality and human health from use of a pesticide.

Requiring additional Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permits for lawful mosquito control applications creates a duplicative regulatory system that increases administrative and operational costs without providing additional environmental protection.

FIFRA Already Provides Comprehensive Environmental Protection

Under FIFRA, EPA already:

- Conducts extensive human health and ecological risk assessments, including impacts to drinking water.
- Evaluates aquatic toxicity and environmental fate
- Establishes label restrictions and mitigation measures designed to protect water quality and human health
- Requires applicators to follow enforceable label directions
- Reviews products through periodic (15 year) registration review program

A pesticide used according to its EPA-approved label has already undergone scientific review specifically intended to protect water quality, aquatic organisms, and public health.

NPDES Permits Duplicate Existing Federal Oversight

The current NPDES permitting requirement:

- Does not change which products may be used
- Does not impose new scientific risk assessment requirements
- Does not create new application standards beyond FIFRA labels
- Adds costly paperwork, reporting, monitoring, and potential litigation costs

Mosquito control agencies must comply with two overlapping federal programs regulating the same activity:

- FIFRA pesticide registration and label compliance
- CWA discharge permitting requirements

- From a practical perspective, this redundancy diverts limited public health funding away from surveillance, disease prevention, and mosquito abatement operations.

Mosquito Control Is a Public Health Service, Not Industrial Pollutant

Mosquito control applications differ fundamentally from traditional industrial discharges regulated under the Clean Water Act.

Public health mosquito control:

- Operates under integrated pest management (IPM) principles
- Is targeted and episodic based off comprehensive surveillance data and action thresholds
- Uses ultra-low-volume (ULV) technology adulticiding and precision larviciding
- Applies EPA-registered products at low (typically 1-3 oz/acre) application rates
- Exists specifically to protect human health and quality of life

Treating mosquito-control applications as “pollutant discharges” within the same framework as industrial wastewater creates a mismatch between the purpose of the Clean Water Act and modern vector-control operations.

The Current System Creates Operational Challenges

NPDES permitting requirements can:

- Delay rapid response during disease outbreaks
- Increase legal vulnerability and litigation risk
- Create inconsistent state-by-state requirements
- Burden small local districts with compliance costs
- Divert staff time toward administrative reporting instead of mosquito surveillance and control
- Create authority and liability issues on federal facilities. Especially federal managed lands, where their mission and budgets do not include vector control.

Many state permitting agencies are also struggling to keep permits up to date on the required five-year cycles, slowing the adoption of new technologies and innovations.

Congress Has Recognized Similar Exemptions

Congress has previously recognized that certain public interest activities should not require duplicative NPDES permitting when other federal regulatory systems already provide oversight. Agricultural stormwater runoff and certain fire-retardant applications have received targeted exemptions or clarifications under federal law.

Mosquito control applications similarly warrant recognition as:

- Public health activities
- Already comprehensively regulated under FIFRA
- Essential emergency response tools

**NEEDED
ACTIONS:**

- Work with AMCA and determine if Office of Water has sufficient quantitative data and information regarding the administrative burden on mosquito control agencies to provide an assessment of that administrative burden
 - Work with AMCA to determine if the permitting requirements have identified or prevented any adverse incidents/federal enforcement activities since the General pesticide Permit requirements were established
 - Evaluate alternative approaches, such as leveraging EPA's Bulletins Live! Two, to meet CWA and ESA objectives without duplicative permitting
 - Provide training to applicators on NPDES requirements.
 - Consider tailoring PGP requirements to help reduce the administrative burden to mosquito control agencies
 - Enforce permit reissuance requirements in states with "zombie" permits to assure that PGPs are issued on time
 - Ensure that visual monitoring requirements are technically and economically feasible for the permittee
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