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and pests of public health importance.



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**American Mosquito Control Association
Statement on NPDES Burden**

**The American Mosquito Control Association urges Congress to vote "YES" on
H.R. 953 The Reducing Regulatory Burdens Act of 2017**

From the perspective of the agencies charged with suppressing mosquitoes and other vectors of public health consequence, the NPDES burden is directly related to combatting Zika and other mosquito-transmitted diseases.

For over forty years and through both Democratic and Republican administrations, the EPA and states held that these permits did not apply to public health pesticide applications. However, activist lawsuits forced the EPA to require such permits even for the application of EPA-registered pesticides including mosquito control.

AMCA has testified numerous times to establish the burden created by this court ruling. The threat to the public health mission of America's mosquito control districts comes in two costly parts:

Ongoing Compliance Costs

Though the activists contend that the NPDES permit has "modest notification and monitoring requirements" the actual experience of mosquito control districts is much different.

Initially obtaining and maintaining an NPDES permit comes at considerable expense. California mosquito control districts estimate the NPDES compliance costs for their 64 districts to be approximately \$4 million dollars over six years. These costs include;

- Initial amount spent by Districts determining waters subject to reporting.
- Total amount spent by Districts tracking treatments to Waters of the US
- Water Testing Consultants
- NPDES Administration/Regulatory Consultants
- Legal fees related to NPDES
- Physical monitoring of larvicides – not completed by consultants
- Completing annual reports

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In Wyoming, there are several issues that have impacted the mosquito districts;

- Record keeping requirements has redirected 2 – 5 % of District funds annually to permit fees and administrative costs.
- The cost for acre applications of both adulticide and larvicides has increased 5 to 10-fold for some Districts. This is due primarily to the fear that local aerial applicators have regarding the citizen lawsuits. The local ag pilots have declined to fly for some of the mosquito districts in Wyoming, requiring them to go out of state to professional application companies. The City of Laramie which was able to treat for an estimated \$1 per acre now pays an estimated \$5 - \$10 per acre. This has greatly reduced the acres that can be treated with larvicide and adulticides.

In Durango, CO, the Animas Mosquito Control District reported spending over \$50,000 in GPS/GIS system, maintenance and upgrades purchased to comply with an unknown annual report requirement. They spent numerous hours conducting meetings, phone calls and on the computer to clarify the annual reporting requirements, the detail necessary in annual reports, and even where to send the information.

The fact that the existence of the permit over the last 6 years has no additional environmental benefit (since pesticide applications are already governed by FIFRA) makes these taxpayer diversions from vector control unconscionable.

In a survey of mosquito control programs, 71 reported (out of 734 nationwide) that their multi-year period expenses incurred due to the NPDES permitting including operational, permitting, reporting, monitoring and other administrative costs totaled over \$4 million. (This survey does not include all of the 6-year California estimate mentioned previously).

How could \$4 million in NPDES Costs be better spent?

Seasonal field workers (\$11,000 for starter)	377 employees
Bti larvicide (\$1.44/lb)	2,879,738 pounds
Acres of water larvicided aerially (10lbs/acre + \$5.25 applicator cost =\$19.65)	211,034 acres
Acres of water treated by ground crews (10 lbs./acre)	287,973 acres
West Nile virus – in house testing of adult mosquitoes (RAMP) \$19.36	214,195 tests
30 second radio ads for public education (\$40-\$200)	103,671 – 20,734
Acres of aerial adult mosquito control (\$.89 applicator fee + \$.95 chemical)	2,253,708 acres
Evening ground spraying hours (\$396/hr. for vehicle, employee, adulticide)	10,472 hrs.

Every dollar spent on duplicative regulations is a dollar that could have been used towards Integrated Pest Management (IPM) activities that control mosquitoes and prevent mosquito-borne illness.

Resources must not be diverted from these mosquito control activities in order to protect public health:

- **Disease surveillance** – trapping and testing adult mosquitoes, monitoring dead birds.
- **Larvicides and adult mosquito control** – reduce mosquito populations through targeted applications
- **Habitat modification/source reduction** – ditching/dredgers to permanently reduce mosquito oviposition habitats to reduce the need for chemical control measures.
- **Monitoring invasive species** of mosquitoes.

- **Public education** – publications on reducing backyard sources of mosquitoes, information on repellent and personal protective measures.
- **Employees, training, and certifications.**

Programs that are most affected:

- Poorer, rural mosquito control districts
- Programs associated with small municipalities
- In the Western US, those associated with private aerial contractors concerned with taking on the added liability.
- Municipalities in the south looking to start Zika virus control efforts. **Why would Congress approve \$1.1 Billion to fight and explore Zika virus and then burden us with regulations that hinder our ability to control the vector of the disease?**

So, why would the activist organizations be so adamant that these permits be mandatory for public health pesticide applications...?

Exposure to Activist Litigation

Municipal mosquito control programs are vulnerable to CWA citizen lawsuits where finer to mosquito control districts may exceed \$37,500/day. Under FIFRA, the activists would need to demonstrate that the pesticides were misapplied, that the product labels were not followed. Additionally, this is not a question of the applications causing harm to public health. The pesticides we use are specific to mosquitoes and are generally used in very low doses by qualified applicators).

However, the CWA 3rd Party Citizen Suit Provision allows for any third party to sue for alleged violations of NPDES program requirements. Additionally, the CWA does not require actual evidence of a misapplication of a pesticide or harm to the environment, but rather simple paperwork violations or merely allegations in permit oversight.

The Toledo Area Sanitary District is currently involved in a lawsuit that has already initially cost the mosquito control program more than \$40,000 in legal fees, and the case has yet to go to court. This could lead to an injunction on the spray program and end up costing taxpayers \$100,000+ dollars, even though the case has nothing to do with substantive water quality issues, but rather focuses on alleged administrative paperwork violations.

Gem County Mosquito Abatement District (ID) was the subject of one of these activist lawsuits utilizing the 3rd Party Citizen Suit Provision. It took ten years and the grand total of an entire year's annual operating budget (\$450,000) to resolve that litigation against that public health entity.

These ongoing compliance costs and threat of crushing litigation directly impact mosquito control districts. The existence of this unnecessary requirement for mosquito control activities is directly related to our ability to combat the vectors related to Zika. It diverts precious resources away from finding and suppressing mosquito populations.

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