

Congress of the United States
House of Representatives
Washington, DC 20515

May 29, 2009

Lisa Jackson
Administrator, Environmental Protection Agency
1200 Pennsylvania, NW
Washington, DC 20460

Dear Administrator Jackson:

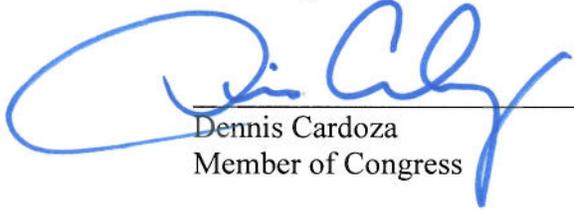
In January of this year, the 6th Circuit Court of Appeals issued a decision invalidating the EPA's Rule on "Application of Pesticides to Waters of the United States in Conformance with FIFRA" (Nov. 27, 2006). In the event the 6th Circuit reconsiders this case for rehearing and asks the Agency for input, we urge you to use this opportunity to vigorously defend your final rule.

Public health pesticides for mosquito control are currently regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and are evaluated under the FIFRA for their potential impacts to aquatic ecosystems. Since the 6th Circuit issued its opinion, mosquito control programs across the country have received notices of intent to sue for violation of the Clean Water Act's (CWA) NPDES permit requirement. However, EPA does not issue an NPDES permit to control adult mosquitoes. The California State Water Resources Control Board, which has moved farthest of any state CWA program, has stated that they cannot issue such a permit in time to comply with the court's decision. In short, mosquito control programs must choose between continuing their work and facing ruinous legal risks, or abandoning effective programs and leaving the public at risk.

Failure to defend the rule will lead to severe unintended public health consequences and place the public health and welfare at unnecessary risk. Without an effective mosquito control program, the public faces outbreaks of West Nile virus and other vector-borne diseases spread by mosquitoes. In our districts, mosquito control programs should be conducting routine practices to control juvenile and adult mosquitoes. Instead, control programs are halted while officials scramble to defend lawsuits. This lack of preparedness will lead to unnecessary disease and pointless loss of life.

The EPA possesses a narrow and reasonable rule which can resolve this issue without compromising environmental protections or the public health. Please defend your rule.

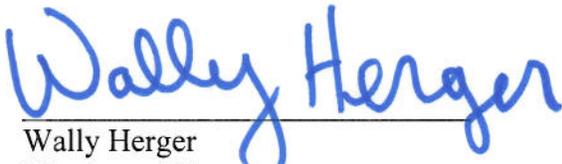
Sincerely,



Dennis Cardoza
Member of Congress



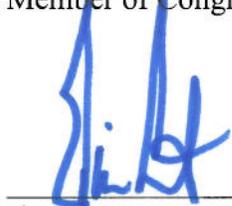
Bill Posey
Member of Congress



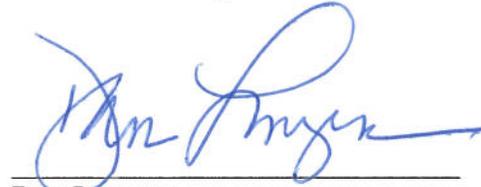
Wally Herger
Member of Congress



Ileana Ros-Lehtinen
Member of Congress



Jim Costa
Member of Congress



Dan Lungren
Member of Congress



George Radanovich
Member of Congress



Devin Nunes
Member of Congress



Tom McClintock
Member of Congress