

Legislative Updates, 2005

- AMCA's 7th Annual “Washington Day”
- February 27 (Sun) – March 1 (Tue)
- Marriott Crystal Gateway Hotel, Arlington, Virginia



Washington Day, 2005

- **This year's meeting in collaboration with the National Pest Management Association (NPMA):**
 - Theme = jointly pursue resolution for Clean Water Act (NPDES permit) vs. FIFRA mess.
 - Hold sessions examining interests/issues shared by MCDs and private pest controllers – e.g. automatic misting systems, coordination of spray activities, training.
 - Hear interesting (and fun!) NPMA-invited speakers, going beyond just “shop” talk – Chris Wallace, Carville vs. Carlson.
 - Help address a preparation problem due to timing for this year's AMCA Annual Meeting in Vancouver.
 - IMPORTANT – we'll still be autonomously acting as just the AMCA during our Capitol Hill visits.

National/Federal Issues and Concerns

1) **Needing Clean Water Act NPDES permits to spray (for larvicides and adulticides), vs. having FIFRA continue to prevail?**

- * Past court cases say permits needed in 9th Circuit (Talent, Forsgren).
- * Pending court cases in 2nd Circuit (Amherst, NYC/No Spray).
- * AMCA petition to EPA for formal Rulemaking (Jan., 2003).
- * EPA's interim guidance (summer, 2003) = permits not needed.
- * EPA final guidance (Jan. 28, 2005) = confirmed permits not needed.
- * EPA intends to undertake formal Rulemaking (6-8 months).
- * Hopefully will favorably influence court cases (past and pending).
- * Legislative fix (amending CWA) still might be needed.

2) **Getting federal \$\$\$ support for the MASH Act.**

- * Act passed 2002, no funding appropriated -- \$\$\$ bill defeated in 2003.
- * \$\$\$ tough now to get, tight budget, WNV issues fading.

National/Federal Issues and Concerns

3) New pesticide use/exposure limitations? EPA's enhanced implementation of the Endangered Species Act.

- * EPA driven to act by environmentalist lawsuits.
- * USFWS/NOAA Counterpart Rules (Jan, 2004).
- * Pesticide exposure mitigation measures for E/T species – new product label language, use of County-level Bulletins.

4) Mosquito control practices on National Wildlife Refuges.

- * USFWS draft “National Mosquito Management Policy” -- when will it be released? what will it say?

National/Federal Issues and Concerns

- 5) Continued federal \$\$\$ support from CDC to combat West Nile virus -- in 2004, state public health departments via ELC grants received \$23 million; also benefits MCDs, indirectly or directly.**

*** 5-year program started in 2000. Future funding?**

- 6) Clearing-up confusing, contradictory, or unduly alarmist label language for “do’s-and-don’ts” of using our mosquitocides – e.g. Do Not Apply Over Water, Toxic to Fishes, Do Not Allow Spray Drift.**

*** EPA Proposed Pesticide Regulation (April, 2004).**

National/Federal Issues and Concerns

- 7) Getting DHHS to fulfill its public health pesticide data collection requirements (under FQPA) needed for product re-registration. Up to \$12 million authorized.**
 - * Switch to USDA's IR-4 Program?**

- 8) Recognizing and reducing the roles of stormwater management facilities in creating mosquito production problems.**
 - * Getting EPA to act – Salisbury, MD. stormwater/mosquito workshop (Feb, 2005)**

National/Federal Issues and Concerns

- 9) **Having FEMA become more timely and responsive with \$\$\$ support in reacting to emergency mosquito control situations.**
 - * How did they do in summer 2004 with the 4 Florida hurricanes?

- 10) **Possible need to provide advance notifications when spraying around schools (simmering but bears watching).**

How Do We Keep On-Top of All This Stuff?

- annually holding our Washington Day event – interactions with federal agency personnel and Congress -- forces us to think about things, take positions, promote an agenda.
- our AMCA Legislative & Regulatory Committee.
- our AMCA Technical Advisor.
- McDermott, Will & Emery, our D.C. legislative counsel/advocate.
- participation in the EPA's Pesticide Program Dialogue Committee (PPDC).
- participation in industry's Pesticide Policy Coalition (PPC) and its Government Affairs Committee (GAC) – with CropLife America, RISE, NPMA, etc.

How Do We Keep On-Top of All This Stuff?

- contacts with individuals in EPA, USDA, USFWS, DHHS/CDC, etc.
- following/reacting to industry's litigation problems – e.g. the recent Long Island Sound lobster lawsuits (often tracked in self-defense!).
- state-level contacts – e.g. Assoc. Amer. Pesticide Control Officials (AAPCO) and its State FIFRA Issues Research and Evaluation Group (SFIREG); state-level health departments (links back to CDC).
- OVERALL – plenty of ways to be “in the know,” plenty of work to get done -- many people can contribute, so please pitch in!