June 14, 2012

[Full Senate]

Dear Senator [ ]:

The undersigned organizations, representing pesticide users, stakeholders and state agencies, ask for your **support of Amendment #2367** (re water permits for pesticides) **to S.3240,** the Agriculture Reform, Food and Jobs Act of 2012 (2012 Farm Bill). The amendment is sponsored by Senators Hagan (NC-D) and Crapo (ID-R), along with a host of bipartisan cosponsors.

Pesticide users are subject to a new federal permit, and now threatened by citizen suits and substantial penalties. The Environmental Protection Agency (EPA) and delegated states have been forced to implement this new National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) for the application of pesticides under the Clean Water Act (CWA) since the 6th Circuit Court of Appeals (*National Cotton Council of America v. EPA)* *overturned EPA’s own regulation* declaring that a permit was not required for the application of a pesticide regulated under Federal Insecticide Fungicide and Rodenticide Act (FIFRA).

Prior to this court decision, 40 years of congressional intent pointed to the application of pesticides being strictly regulated by FIFRA not the Clean Water Act. We believe that the Court got it wrong regarding Congress’ intent for the federal law, and we urge the Senate to take immediate action to affirm that water permits are not required for FIFRA-regulated pesticide applications. There is no need for this redundant water permit to protect the environment since the lawful use of a pesticide pursuant to its federal label already includes in water quality protections.

Amendment #2367 includes HR 872 - the Reducing Regulatory Burdens Act - a bill which passed the House on suspension and the Senate committee of jurisdiction, the Committee on Agriculture, Nutrition and Forestry, by voice vote. The amendment would clarify that federal law does not require water permits for lawful pesticide applications. We do not support changes or 2nd degree amendments to Amendment # 2367.

Thank you in advance for your timely consideration of our request to support the inclusion of the Hagan-Crapo Amendment # 2367 (re water permits for pesticides) in the 2012 Senate Farm Bill, S.3240.

Sincerely,

**Agricultural Retailers Association**

**Agribusiness Council of Indiana**

**American Mosquito Control Association**

**Aquatic Plant Management Society**

**California Agricultural Commissioners and Sealers Association**

**Cape Cod Cranberry Growers Association**

**Chemtura Corporation**

**Colorado Association of Wheat Growers**

**Cranberry Institute**

**CropLife America**

**Family Farm Alliance**

**Gowan Group**

**GROWMARK**

**Idaho Grain Producers Association**

**Idaho Water Users Association, Inc.**

**Illinois Fertilizer & Chemical Association**

**Kansas Association of Wheat Growers**

**National Agricultural Aviation Association**

**National Association of Chemical Distributors**

**National Association of State Departments of Agriculture**

**National Association of Wheat Growers**

**National Barley Growers Association**

**National Corn Growers Association**

**National Cotton Council**

**National Council of Farmer Cooperatives**

**National Pest Management Association**

**National Potato Council**

**National Rural Electric Cooperative Association**

**North Central Weed Science**

**NC Agribusiness Association**

**NC Agribusiness Council, Inc.**

**Northeastern Weed Science Society**

**Ocean Spray Cranberries, Inc.**

**Southern Weed Science**

**Texas Ag Industries Association**

**Texas Vegetation Management Association**

**U.S. Apple Association**

**Weed Science Society of America**

**Western Society of Weed Science**

**Wisconsin Cranberry Growers Association**

**Wyoming Ag-Business Association**

**Wyoming Crop Improvement Association**

**Wyoming Wheat Growers Association**