

Congress of the United States
Washington, DC 20515

**Co-Sponsor H.R. 1749 the “Pest Management and Fire
Suppression Flexibility Act”**

May 24, 2005

Dear Colleague:

We are writing to ask you to join more than 40 other House Republicans and Democrats cosponsoring **H.R. 1749, the Pest Management and Fire Suppression Flexibility Act**. We introduced this vitally important legislation last month because judicial misinterpretations have expanded the federal Clean Water Act (CWA) far beyond Congress’ original intent. Those court rulings also contradict 30 years of common sense applied to CWA implementation by administrations of both parties.

The CWA was intended to allow federal and state officials to more closely regulate the discharge of pollutants by large industrial and wastewater facilities into our nation’s waterways. Now, federal court decisions known as *Talent* and *Forsgren* are stretching the law beyond recognition. Congress never intended to require a CWA permit for the application of a pesticide already registered by the U.S. Environmental Protection Agency for use according to approved label directions directly to or near a body of water. The *Forsgren* decision also significantly narrowed a longstanding EPA rule recognizing forestry activities such as pest and fire control are not subject to the CWA industrial permitting requirements.

H.R. 1749 codifies EPA’s established position that using agricultural and other pesticides according to label directions is not subject to CWA permitting requirements. The bill also codifies that most forestry activities including pest and fire control are not subject to these permitting requirements.

Such permitting requirements are redundant. The Federal Insecticide, Fungicide and Rodenticide Act already requires that before registering a pesticide for use the EPA must conduct a comprehensive risk assessment, including a thorough review of the possible risk the pesticide poses to water quality and aquatic species. EPA label instructions are based on this elaborate process and mitigate any risk. States also register pesticides and closely oversee their use, so failing to follow label directions violates both federal and state laws.

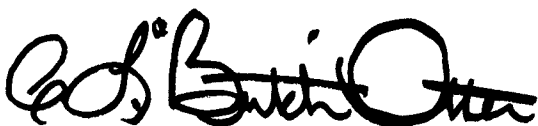
Like pesticides, using fire retardants is subject to specific guidelines and approval of a federal agency – the U.S. Forest Service. Requiring CWA permits for using pesticides and fire retardants is duplicative, drains precious resources and needlessly delays and impairs pest management and fire suppression operations.

The court’s misinterpretations also give license to plaintiffs’ lawyers and activist groups. They sue or threaten litigation to intimidate farmers, federal and state agencies and mosquito abatement districts into discontinuing well established, expressly approved and heavily regulated activities. H.R. 1749 provides needed protection to farmers, natural resource managers, wildland firefighters, mosquito abatement districts, pest control operators and others from unwarranted, mischievous litigation.

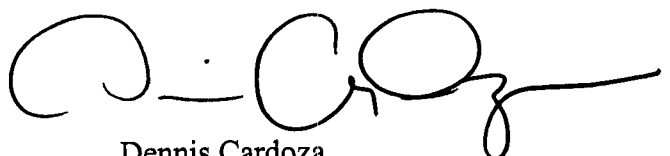
We urge you to review the letter on the reverse side that numerous groups wrote us in support of H.R. 1749 so you will have a better idea of the incredibly broad ramifications of these misguided rulings.

Should you have any questions about H.R. 1749 or wish to sign on as a cosponsor please contact Jani Revier in Congressman Otter’s office at jani.revier@mail.house.gov or 5-6611 or Anne Cannon in Congressman Cardoza’s office at anne.cannon@mail.house.gov or 5-6131.

Sincerely,



C.L. “Butch” Otter
Member of Congress



Dennis Cardoza
Member of Congress

May 19, 2005

The Honorable Butch Otter
U.S. House of Representatives
Washington, DC 20515

The Honorable Dennis Cardoza
U.S. House of Representatives
Washington, DC 20515

Dear Congressmen Otter and Cardoza:

We, the undersigned groups, are writing to thank you for sponsoring **H.R. 1749, the Pest Management and Fire Suppression Flexibility Act of 2005**, and express our wholehearted support for this much needed, vitally important legislation.

Together we represent farmers, specialty crop growers, crop input dealers, landowners, state natural resource management officials, foresters, small businesses, state regulatory officials and wildland firefighters that rely on or regulate the use of beneficial chemicals. Pest management and fire suppression products are already subject to stringent oversight by the federal and state governments. They are invaluable tools that protect our nation's food and fiber supply, help maintain the health of our forest and range lands, combat potentially destructive and deadly forest fires; control invasive aquatic weeds in municipal water supply, irrigation, and drainage systems as well as in recreational settings; defend our ecosystems against nonindigenous weed and insect pests, and safeguard the public from West Nile virus and other mosquito and pest-borne diseases.

As you know, recent federal court rulings misinterpreted the current regulatory framework in place for pest and natural resource management activities, subjecting us to redundant regulation and inviting mischievous, activist-driven litigation. Now our ability to continue to effectively carry out the necessary activities outlined above in a timely manner has been jeopardized.

Again, we appreciate your leadership on this matter and urge your colleagues to join more than 40 other Representatives as cosponsors of **H.R. 1749, the Pest Management and Fire Suppression Flexibility Act**.

Sincerely,

**Agricultural Retailers Association
American Farm Bureau Federation
American Forest & Paper Association
American Forest Resource Council
Aquatic Plant Management Society
Association of American Pesticide Control Officials
Association of Structural Pest Control Regulatory Officials
Chemical Producers and Distributors Association
CropLife America
Federal Wildland Fire Service Association
National Agricultural Aviation Association
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Corn Growers Association
National Onion Association
National Grasshopper Management Board
National Pest Management Association
National Potato Council
National Water Resources Association
Professional Landcare Network
RISE (Responsible Industry for a Sound Environment)**