



For Immediate Release

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CropLife America Supports Senator Lincoln in Representing Agricultural Rights

Chairman Introduces Bill to Correct 6th Circuit Ruling on NPDES Permits

WASHINGTON, D.C. – CropLife America is pleased to learn that Senator Blanche Lincoln (D-AR) introduced a bill on Thursday, Aug. 5, to correct the 6th U.S. Circuit Court’s ruling on National Pollutant Discharge Elimination System (NPDES) permits. The proposed legislation would reaffirm the primacy of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). As such, pesticides applied to or near water – in accordance with the FIFRA label - would not be considered a pollutant and would therefore not require an NPDES permit as required under the Clean Water Act (CWA).

The U.S. government, in a brief to the Solicitor General, has earlier agreed that the 6th Circuit decision in the case *National Cotton Council v. EPA* violated Supreme Court precedent by failing to provide proper due deference to an agency determination. The decision by the 6th Circuit Court failed to provide deference to the U.S. Environmental Protection Agency’s (EPA) 2007 rule which exempted certain pesticide applications made to or near water, which were properly made in accordance to FIFRA, from requiring an NPDES permit under CWA.

“We are glad that Senator Lincoln stands firm as an ally to the agricultural community, and recognizes the potential damage that the 6th Circuit Court’s ruling will cause,” said Jay Vroom, president and CEO of CropLife America (CLA). “This decision is creating additional paperwork and costly legal burdens for many pesticide users, including many farmers, allowing the potential of increased and unwarranted lawsuits from extremist environmental organizations, and could ultimately prevent our country from providing more fuel, food and fiber in a competitive global market.”

CLA has long held, and EPA has reaffirmed, that pesticides applied in accordance with the FIFRA label are not subject to CWA.

"I applaud Senator Lincoln's leadership in acknowledging the need to reverse the decision of the 6th Circuit Court's January 2009 ruling in *National Cotton Council v. EPA*," stated Beau Greenwood, executive vice president of government relations and public affairs at CLA. "The court's ruling failed to preserve FIFRA primacy with respect to pesticide applications."

"Her role as Chairman of the Senate Agriculture Committee is critical for addressing this policy overreach by the court for Arkansas agriculture and agricultural activities across the country," continued Greenwood. "We have a great friend and strong voice for American agriculture in Senator Lincoln. Her understanding and real-world appreciation of the issues that affect modern agriculture and rural America makes her partnership invaluable."

CLA has previously issued public comments with EPA on the draft NPDES permits, and will continue to work in mitigating the impact of this ruling. For more information, visit www.croplifeamerica.org.

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Established in 1933, CropLife America (www.croplifeamerica.org) represents the developers, manufacturers, formulators and distributors of plant science solutions for agriculture and pest management in the United States. CropLife America's member companies produce, sell and distribute virtually all the crop protection and biotechnology products used by American farmers. CLA is also on Twitter and can be found at [@CropLifeAmerica](https://twitter.com/CropLifeAmerica).