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Contact: Courtney Rowe, Ben Becker (202) 224-9315

Lincoln, Chambliss Introduce Legislation to Halt EPA's Effort to Over-Regulate Farmers, Foresters, Ranchers

Washington — U.S. **Senator Blanche Lincoln** (D-Ark.), Chairman of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, and Ranking Member **Saxby Chambliss** (R-Ga.) today announced they have introduced legislation that aims to clarify that additional permits are not required for pesticide application in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The bill, S. 3735, will bring legal and regulatory certainty for our farmers, foresters and ranchers regarding the **Environmental Protection Agency's** (EPA) recent actions related to the Clean Water Act.

“Subjecting our farmers, foresters, and ranchers to an additional layer of bureaucracy under the Clean Water Act was never Congress’ intent,” **said Lincoln**. “Our legislation is very simple: as long as a producer is complying with FIFRA, then no Clean Water Act permit will be required. During the more than 35 years since the enactment of the Clean Water Act, the EPA has never required a permit for the application of FIFRA-registered crop protection products. Our bill would extend this common-sense approach and avoid duplicative, unnecessary burdens on our farmers, foresters, and ranchers.”

“Once again the EPA has overreached its authority, causing serious consequences our agriculture sector,” **said Sen. Chambliss**. “By refusing to defend current law and its own reasonable regulations, the EPA is unfortunately in the position to place unnecessary, burdensome and duplicative permit requirements on producers, mosquito control districts and states. Our legislation would simply prevent the EPA from imposing an erroneous regulation that does absolutely nothing to further protect or enhance the environment.”

American Farm Bureau Federation President Bob Stallman said, “American Farm Bureau Federation strongly supports legislation introduced today by Senators Lincoln and Chambliss to remedy the harmful effects of a court decision that puts farmers at risk of unnecessary and burdensome regulation. This legislation does nothing more than clarify

what has been the situation for nearly forty years – that lawful application of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) does not trigger regulatory requirements in other programs. Congress must step up and take action to clarify the questions raised by a flawed court ruling that, if left to stand, will have ramifications for farmers and ranchers around the country. Farmers know the label on each chemical they use is the law of the land and that they must use chemicals properly. Having additional regulations and bureaucratic red tape will not improve food safety or the environment. We commend the senators for their leadership on this important issue.”

“The rice industry has been greatly concerned about the overreaching of the Clean Water Act into areas that have been historically and successfully regulated by FIFRA, and the additional burdens that this proposal is going to bring to everyone that uses pesticides; and while we don't believe that this proposed permit system applies to rice production, we are pleased that Senators Lincoln and Chambliss are stepping up to provide legislation to correct this misinterpretation by the courts. The US rice industry works hard to provide a safe and affordable crop to both domestic and international consumers and the ability to do that is jeopardized whenever laws that were never intended to regulate a process are mistakenly used to do just that. We believe that this legislation will put the Clean Water Act back on the course originally intended by Congress,” **said Ray Vester, Arkansas rice producer and Chairman of the USA Rice Federation's Environmental Regulatory Subcommittee.**

“Once again Senator Lincoln is demonstrating her leadership and support for those issues important to Arkansas by joining Senator Chambliss in introducing this common sense bill that will allow the continued responsible, efficient, and cost effective use of pesticides by the forestry and agriculture community. We applaud Senators Lincoln and Chambliss on their quick response to this very important issue,” **said Max Braswell, Executive Vice President of the Arkansas Forestry Association.**

“We applaud the efforts of Senators Lincoln and Chambliss in introducing legislation to allow the use of pesticides or herbicides in forestry operations without the need of a Clean Water Act permit so long as the pesticide or herbicide is being used in accordance with labeling requirements. The requirement of a permit would be yet another stumbling block to an industry struggling to survive during financially hard times. The timber industry is vital to Arkansas' economy and Arkansas families and we are grateful for this effort to support the sustainability of our industry through some very difficult challenges,” **said Larry Boccarossa, Executive Director, Arkansas Timber Producers Association.**

“The proposed NPDES permit for pesticide use would provide no additional environmental protection yet would impose additional regulatory burdens on U.S. cotton producers. We commend Senators Lincoln and Chambliss for their foresight and diligence on this new bill which would ensure that U.S. agriculture is not subject to

unnecessary and redundant regulations,” **said Ronny Lee, National Cotton Council Environmental Task Force member from Bronwood, GA.**

“This bill will restore certainty for cotton farmers who use crop protectant products safely and responsibly. Pesticides have been regulated successfully by FIFRA for years. This bill will prevent EPA from imposing unnecessary, duplicative, and confusing regulatory burdens on farmers,” **said National Cotton Council Chairman Eddie Smith, a Floydada, TX, cotton producer.**

“NCGA is pleased that Senators Lincoln and Chambliss have taken a bold step towards restoring common sense pesticide regulations and appreciates the bipartisan effort,” **NCGA President Darrin Ihnen, a farmer in Hurley, S.D., said.** “The new permitting program is scheduled to take effect in April 2011, and it is imperative that Congress take action on this bill prior to that date.”

“Senator Lincoln’s bill ensuring that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) has primacy over the use of pesticides is a win for both the environment and agriculture. Extremely robust science must be collected under FIFRA proving the safety of a pesticide to water and a number of other environmental components. The Sixth Circuit decision requiring water permits for pesticides would result in a bureaucratic morass, and unnecessary, costly and time-consuming procedures for farmers and applicators. This would notably hamper their ability to provide food, fiber, bio-fuel and to protect the public health. Senator Lincoln deserves the appreciation of American farmers and farm-service providers for all of her efforts to repeal the 6th Circuit’s decision in *National Cotton Council, et al. v. EPA*, 553 F.3d 927,” **said Andrew D. Moore, National Agricultural Aviation Association Executive Director.**

The bill makes it clear that producers that are in compliance with requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) do not need to obtain Clean Water Act permits. The bill will protect public health and safeguard the environment by ensuring that producers are in strict compliance with FIFRA while simultaneously eliminating duplicative regulatory obligations that would be imposed if Clean Water Act permits are required.

During the more than 35 years since the enactment of the Clean Water Act, the Environmental Protection Agency has never required a Clean Water Act permit for the application of FIFRA-registered farm chemicals. The FIFRA Paperwork Reduction Act will prevent EPA from doing so in the future.