



**OHIO
MOSQUITO
CONTROL
ASSOCIATION**

Governor John Kasich
Riffe Center, 30th Floor
77 South High Street
Columbus, Oh 43215-6108

February 17, 2011

RE: 6th Circuit Court Ruling puts financial strain on Ohio and its businesses

Dear Governor Kasich:

Thank you for the opportunity to provide comments regarding the financial burdens local governments and businesses are facing during these struggling budgetary times. The task you have before you in addressing these issues is indeed daunting, and we applaud your willingness to “think outside the box” and put more control in the hands of local agencies to address their issues.

The General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Pesticide Discharges from Vector Control Applications (“Permit”) being considered by the Ohio Environmental Protection Agency will entail a significant increase in costs to local governments with no foreseeable environmental benefit. The public health pesticide applications affected are already fully regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as a part of the pesticide registration process. This NPDES permit is proposed in response to a recent 6th Circuit Court of Appeals ruling pursuant to a reinterpretation of the Clean Water Act (CWA) that brings these applications of public health pesticides within its jurisdiction if the application is in, over or near waters of the United States. This constitutes a considerable increase in scope of the original statute and ignores both the original intent of the legislation and the successful vector control practices in place since its enactment 30 years ago. Compliance with this ruling as enacted will cost jobs in both the private and public sector as vector control agencies attempt to meet new and unnecessary cost burdens involving meeting permit requirements. We urge you to use your authority as governor of Ohio to prompt federal legislators to review and amend the Clean Water Act to reduce the unnecessary financial burden this permit will place on the public health agencies of Ohio attendant to this unfunded federal mandate.

To help in this endeavor, we offer the following amendment to the Clean Water Act that we believe restores an appropriate balance of environmental stewardship, reduces undue regulatory and financial burdens on Ohio agencies, and protects the public health of the citizens of Ohio.

The proposed amendment to the Clean Water Act would read as follows:

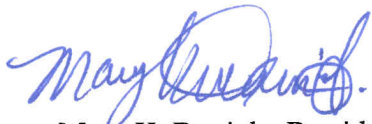
“Pesticides identified as public health pesticides shall not be defined as pollutants when applied according to FIFRA labeling and shall not require NPDES permits.”

This simple amendment will save both the State of Ohio and its citizens millions of dollars. We suggest collaborating with Representative Bob Gibbs of Ohio's 18th Congressional District. Representative Gibbs has just been chosen as chairman of the House Subcommittee on Water Resources and the Environment, which oversees Clean Water Act issues to offer this amendment and eliminate the undue financial burden that will be placed on public health agencies and private mosquito control operators in Ohio when this ruling takes effect in April of this year. The language as currently written costs local taxpayers and businessmen money, yet offers no increased public health protection to the citizens of Ohio and no tangible benefit to the environment. Its sole effect is a revenue drain.

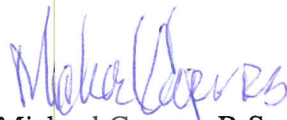
Thank you for the opportunity to express our concerns about the physical, environmental and financial health of Ohio, and we look forward to your response. We would be willing to meet with either you or appropriate staff to further discuss the proposed amendment to Congressman Gibbs.

Sincerely,

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