

PRESS RELEASE



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Group Decries EPA Decision To Exempt Pesticides from Clean Water Act

Washington, DC, November 21, 2006 – EPA today announced its decision to exempt pesticides from the *Clean Water Act* (CWA) and was immediately criticized by an environmental organization. Jay Feldman, executive director of Beyond Pesticides, a Washington-based public health and environmental group, said, “Studies, including one by the U.S. Geological Survey, [Water Quality in the Nation's Streams and Aquifers-Overview of Selected Findings, 1991-2001](#), in 2006, suggest more protection is needed from pesticides not less.”

EPA’s ruling allows exemption from the *Clean Water Act* under two specific situations where a permit with National Pollution Discharge Elimination System (NPDES) permit would not be necessary: (1) The application of pesticides directly to waters of the U.S. to control pests (such as mosquito larvae or aquatic weeds); and (2) The application of pesticides to control pests that are present over or near water and a portion of the pesticide can be deposited in lakes, rivers and streams.

The statute EPA is relying on to protect water, the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA), is a regulatory and licensing law that oversees the registration of pesticides and their application. It does not however regulate and oversee water quality and the protection of aquatic ecosystems in the local context, which is the distinct business of the CWA. Indeed, there is controversy over whether many of the precautionary statements on labels registered by FIFRA adequately protect public health and the environment from the application of toxic chemicals due to a lack of toxicity and impact studies. When FIFRA registers a pesticide it does not take into account heightened toxicity due to combinations of chemicals (mixtures and synergy), or the [phenomenon of toxic chemical drift](#), which commonly occurs in aerial spraying.

According to Beyond Pesticides, this EPA action today allows the weaker and more generalized standards under FIFRA to trump the more stringent CWA standards. CWA uses a kind of health-based standard known as maximum contamination levels to protect waterways and requires permits when chemicals are directly deposited into rivers, lakes and streams, while FIFRA uses a highly subjective risk assessment with no attention to the safest alternative.

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