

**Agricultural Resources Center \* Alaska Community Action on Toxics \* American Bird Conservancy \* Apraxia Network of Bergen County, New Jersey \* Beyond Pesticides/NCAMP \* BioLogical Pest Management, Inc. \* California Safe Schools \* Californians for Alternatives to Toxics \* Canadian Association of Physicians for the Environment \* Center for Health, Environment and Justice \* Children's Environmental Health Network \* Citizens Campaign for the Environment \* Councilman Elect City of Maywood, CA \* Department of the Planet Earth \* Farmworker Justice Fund, Inc. \* Friends of Casco Bay \* Grassroots Environmental Education \* Hilltown Anti-Herbicide Coalition \* Learning Disabilities of America \* Maryland Pesticide Network \* National Center for Environmental Health Strategies, Inc. \* New Jersey Environmental Federation \* No Spray Nashville / Bring Urban Recycling to Nashville Today \* Pesticide Action Network, North America \* Pesticide Free Zone Campaign \* Project Ladybug \* Rocky Mountain Peace and Justice Center \* Texans for Alternatives to Pesticides \* The Endocrine Disruption Exchange, Inc. \* The Xerces Society for Invertebrate Conservation \* Toxics Information Project \* Washington Toxics Coalition**

December 5, 2005

Dear Honorable Member,

We send you this letter on behalf of 32 grassroots environmental, health, and medical groups around the country. We are extremely troubled by news of several bills that are currently being considered by Congress that would remove the regulation of pesticides from the Clean Water Act and allow the President or EPA to waive or weaken additional environmental, health, civil, and tax laws in the Gulf Coast and beyond.

We are clustering these bills together because they share a fundamental feature — to allow or promote further exposure to toxic chemicals in our waterways, air, land and food. If enacted, the potential negative impacts on human and environmental health would reach well beyond the Gulf Coast to all regions of the country.

Great concern is arising in our communities – and is supported by scientific literature – that exposure to environmental toxins such as pesticides and other pollutants in our water, air, and food is among the distinct causes of increased rates of cancer, childhood diseases, developmental disabilities, asthma and other respiratory problems and immune system deficiencies. Environmental toxins must be reduced or eliminated wherever, whenever possible – not increased, as these bills would allow.

Now, more than ever, the people of Louisiana and the Gulf Coast region need strong health and safety protections and deserve the same protections to which all U.S. residents should be entitled. This is especially important at a time of environmental and associated economic crisis when many uncontrolled factors pose new or elevated threats to the health and well-being of those communities most directly affected. In short, no one should be made to choose between clean water and a decent shelter or job!

We stand united to ask you to please:

**OPPOSE House Bills H.R. 1749, H.R. 3958** and any other bills that include similar waivers or generate further chemical pollution of our waterways.

**SUPPORT House Res. 477** entitled “Public Health and Environmental Equity Act” that asks Congress to maintain environmental, public health and environmental justice laws and regulations in response to the Hurricane Katrina crisis.

H.R. 1749 removes pesticides registered under the *Federal Insecticide, Fungicide, Rodenticide Act* (FIFRA) from the purview of the Clean Water Act (CWA). Oversight by the CWA of pesticide application in, over or near waterways is not redundant as argued by the bill’s supporters, a point that has been underscored numerous times by the 9<sup>th</sup> Circuit U.S. District Court. The reality is that EPA creates pesticide labels in a national context using probabilistic modeling that averages risk factors across the population while assuming full label compliance. These generalized federal labels do not, and cannot, take the place of the CWA which monitors the impacts of pesticides on local waterways that may contain drinking water contaminant exceedances, depleted populations of aquatic organisms, endangered fish or other threatened species or sensitive habitats.

The Congressional Research Service has noted that pesticide permits issued under CWA are undertaken by states to protect water quality, “...because the federal government lacks the resources for day-to-day monitoring and enforcement.”<sup>1</sup> We stand beside our brothers and sisters who work on and own farms and want them to make the best living they can, but we recognize that farmers rely on clean water as much as the rest of the community. H.R. 1749 is a giant leap backwards that would worsen the toxic load carried by our waterways.

H.R.3958, the *Louisiana Katrina Reconstruction Act* includes a Waiver of Federal Fisheries Laws and Regulations that would allow the Secretary of Commerce to waive for 1-year any federal law or regulation that governs endangered or otherwise protected species in the immediate waters impacted by Hurricane Katrina. Such a temporary waiver could unnecessarily cause permanent damage to threatened or endangered species and their habitat.

We call upon you, our elected leaders, to protect our right and the rights of our children to live in toxic-free communities. This right should not be overridden even when there is a major crisis in our country.

Sincerely,

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Washington, D.C.

Agricultural Resources Center  
Fawn Pattison, Executive Director  
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<sup>1</sup> Pesticide Use and Water Quality: Are the Laws Complimentary or in Conflict, April 25, 2005. RL32884, p. 4.

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