REDUCING REGULATORY BURDENS ACT OF 2013

GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 935.

The SPEAKER pro tempore (Mr. WOODALL). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GIBBS. Mr. Speaker, pursuant to House Resolution 694, I call up the bill (H.R. 935) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reducing Regulatory Burdens Act of 2013''.

SEC. 2. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.''.

SEC. 3. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

The SPEAKER pro tempore. Pursuant to House Resolution 694, the gentleman from Ohio (Mr. GIBBS) and the gentlewoman from Maryland (Ms. EDWARDS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 935, the Reducing Regulatory Burdens Act of 2013.

The reason we are back here on the floor for this bill today is pure politics. In the last Congress, this bill then was H.R. 872. It was introduced on a bipartisan basis, with overwhelming bipartisan support, and it passed on the suspension calendar with two-thirds of this body in support of it. In this Congress, H.R. 935—the exact same bill—was again introduced on a bipartisan basis, with bipartisan support, and it was voice-voted out of the Transportation and Agriculture Committees.

However, earlier this week, partisanship reared its ugly head, and Members who were on record as voting in support of this legislation or in having agreed to it by voice vote were urged to change their votes from ''yes'' to ''no'' in order for it not to be agreed on by two-thirds of this body. This is partisanship at its ugliest. The principles and policy of this legislation have not changed over the last few years. Instead, the politics of it did.

I introduced H.R. 935 to clarify congressional intent regarding how the use of pesticides in or near navigable waters should be regulated. It is the Federal Insecticide, Fungicide, and Rodenticide Act—also know as FIFRA—and not the Clean Water Act, which has long been the Federal regulatory statute that governs the sale and use of pesticides in the United States. In fact, FIFRA regulated pesticide use long before the enactment of the Clean Water Act. However, more recently, as the result of a number of lawsuits, the Clean Water Act has been added as a new and redundant layer of Federal regulation over the use of pesticides.

I will not repeat the history I gave in Monday's debate of how the EPA came to impose this unnecessary second layer of Federal regulation, but I think it is important for everyone to realize that this regulatory burden is impacting not just farmers, but cities, counties, and homeowners.

Federal and State agencies are expending vital funds to initiate and maintain Clean Water Act permitting programs governing pesticide applications, and a wide range of public and private pesticide users are now facing increased financial and administrative burdens in order to comply with the new permitting process. This is adding another layer to an already big and growing pile of unfunded regulatory mandates being imposed on the regulated community. Despite what some would have you believe, all of this expense comes with no additional environmental protection.

The cost of complying with the NPDES permit regulations and the fears of potential liability are forcing mosquito control and other pest control programs to reduce operations and redirect resources to comply with the regulatory requirements. This may be having an adverse effect on public health. In many States, routine preventative programs have been reduced due to the NPDES requirements. This most likely impacted and increased the record-breaking outbreaks of the West Nile virus around the Nation in 2012. H.R. 935 will enable communities to resume conducting routine preventative mosquito and other pest control programs in the future.

H.R. 935 exempts from the NPDES permitting process a discharge to waters involving the application of a pesticide authorized for sale, distribution, or use under FIFRA, where the pesticide is used for its intended purpose and the use is in compliance with pesticide label requirements. This is appropriate because pesticide registration and enforcement programs under FIFRA take into account environmental and human health risks just like the Clean Water Act does.

H.R. 935 was drafted very narrowly with technical assistance from the United States EPA to return pesticide regulation to where it was before the court got involved. It leaves FIFRA as the appropriate and adequate regulating statute. Well over 150 organizations, representing a wide variety of public and private entities and thousands of stakeholders, have signed a letter supporting a legislative resolution of this issue.

I will insert the letter in the RECORD. Just to name a few of these organizations, they include the American Mosquito Control Association, the National Association of State Departments of Agriculture, the National Water Resources Association, the American Farm Bureau Federation, the National Farmers Union, Farm Family Alliance, the National Rural Electric Cooperative Association, CropLife America, and Responsible Industry for a Sound Environment.

In addition, I will submit for the RECORD a letter from the National Alliance of Forest Owners, who expressed support for H.R. 935. NAFO represents private forest owners and managers of over 80 million acres of private forestland in 47 States, supporting 2.4 million jobs.

Finally, I will submit for the RECORD a letter of support, plus a rebuttal paper, prepared by the American Mosquito Control Association, which rebuts the inaccuracies of several statements made by several Members on the House floor Monday evening.

JULY 28, 2014.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: The undersigned organizations ask for your vote in support of H.R. 935, the Reducing Regulatory Burdens Act, today. The bill will be on the floor of the House of Representatives on suspension this evening.

Pesticide users must now comply with the added requirement that certain pesticide applications—already stringently regulated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA)—obtain a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit issued by the Environmental Protection Agency (EPA) or delegated states. The legislation would clarify that federal law does not require water permits for FIFRA-compliant pesticide applications.

The new water permit for pesticides provides virtually no environmental benefit because all pesticide applications are already stringently regulated through FIFRA, including applications to and near water. Compliance requirements under the permit impose significant resource and liability burdens on thousands of small businesses, farms, municipalities, counties, and the state and federal agencies legally responsible for protecting public health. Most notably, the permit potentially exposes all pesticide users to citizen law suits under the CWA.

In the 112th Congress, the Reducing Regulatory Burdens Act—then, H.R. 872—passed the House of Representatives on suspension.

Now, in the 113th Congress, the Act has been reintroduced as H.R. 935. Strong bipartisan support was again demonstrated by the bill's recent passage out of both the House Committee on Transportation and Infrastructure and the House Committee on Agriculture.

Pesticides play a critical role in protecting crops from destructive pests, controlling mosquitoes and other disease-carrying pests, and managing invasive weeds that choke our waterways and shipping lanes, impede power generation, and damage our forests and recreation areas. We believe that the water permit for pesticides jeopardizes these protections and the economy as regulators and businesses expend time and resources on implementation and compliance all for no additional environmental benefits. We urge you to vote in support of H.R. 935, the Reducing Regulatory Burdens Act.

Sincerely,

Agribusiness Council of Indiana, Agricultural Alliance of North Carolina, Agricultural Council of Arkansas, Agricultural Retailers Association, Alabama Agribusiness Council, American Farm Bureau Federation, Alabama Farmers Federation, American Mosquito Control Association, American Soybean Association, Aquatic Plant Management Society, Arkansas Forestry Association, Biopesticide Industry Alliance, California Association of Winegrape Growers, Cape Cod Cranberry Growers Association, The Cranberry Institute, CropLife America, Council of Producers & Distributors of Agrotechnology, Edison Electric Institute, Family Farm Alliance, Far West Agribusiness Association.

Florida Farm Bureau Federation, Florida Fruit & Vegetable Association, Georgia Agribusiness Council, Golf Course Superintendents Association of America, Hawaii Cattlemen's Council, Hawaii Farm Bureau Federation, Idaho Potato Commission, Idaho Water Users Association, Illinois Farm Bureau, Illinois Fertilizer & Chemical Association, Kansas Agribusiness Retailers Association, Louisiana Cotton and Grain Association, Louisiana Farm Bureau Federation, Maine Potato Board, Michigan Agribusiness Association, Minnesota Agricultural Aircraft Association, Minnesota Pesticide Information & Education, Minor Crops Farmer Alliance, Missouri Agribusiness Association, Missouri Farm Bureau Federation.

Montana Agricultural Business Association, National Agricultural Aviation Association, National Alliance of Forest Owners, National Alliance of Independent Crop Consultants, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Corn Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Union, National Pest Management Association, National Potato Council, National Rural Electric Cooperative Association, National Water Resources Association, Nebraska Agri-Business Association, North Carolina Agricultural Consultants Association, North Carolina Cotton Producers Association, North Central Weed Science Society, North Dakota Agricultural Association, Northeast Agribusiness and Feed Alliance.

Northeastern Weed Science Society, Northern Plains Potato Growers Association, Ohio Professional Applicators for Responsible Regulation, Oregon Potato Commission, Oregonians for Food & Shelter, Pesticide Policy Coalition, Plains Cotton Growers, Inc., Professional Landcare Network, RISE (Responsible Industry for a Sound Environment), South Dakota Agri-Business Association, South Texas Cotton and Grain Association, Southern Cotton Growers, Inc., Southern Crop Production Association, Southern Rolling Plains Cotton Growers, Southern Weed Science Society, Texas Ag Industries Association, Texas Vegetation Management Association, United Fresh Produce Association, U.S. Apple Association, USA Rice Federation.

Virginia Agribusiness Council, Virginia Forestry Association, Washington Friends of Farm & Forests, Washington State Potato Commission, Weed Science Society of America, Western Growers Association, Western Plant Health Association, Western Society of Weed Science, Wild Blueberry Commission of Maine, Wisconsin Farm Bureau Federation, Wisconsin Potato and Vegetable Growers Association, Wisconsin State Cranberry Growers Association.

NATIONAL ALLIANCE OF FOREST OWNERS,
July 30, 2014.

Hon. BOB GIBBS,
Chairman, Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, House of Representative, Washington, DC.

DEAR CHAIRMAN GIBBS: On behalf of the National Alliance of Forest Owners (NAFO), I write to express NAFO's support for your bill, H.R. 935, the Reducing Regulatory Burdens Act. NAFO represents private forest owners and managers committed to promoting economic and environmental benefits of privately-owned working forests. NAFO membership encompasses more than 80 million acres of private forestland in 47 states, support 2.4 million U.S. jobs. NAFO seeks to sustain the ecological, economic and social values of forests and to assure an abundance of healthy and productive forest resources.

In many parts of the country, wetland areas form an integral part of working forests. Congress has recognized in section 404 of the Clean Water Act that forest management maintains the wetlands function and has provided a permit exemption for normal silviculture activities. Judicious use of herbicides once or twice over 30 years helps ensure a healthy and vigorous forest stand is regenerated after a harvest.

Herbicide use must now comply with the added requirement that certain pesticides obtain a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit issued by the Environmental Protection Agency (EPA) or delegated states. This NPDES permit for herbicides provides virtually no additional environmental benefit because applications are already stringently regulated by EPA under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). The permit must be renewed every five years and exposes all pesticide users to citizen law suits under the CWA.

Your legislation would clarify that federal law does not require water permits for FIFRA-compliant herbicide applications. We believe this clarification will provide certainty to forest managers and others who rely on these products. We appreciate your leadership to pass this important legislation.

Sincerely,

DANIEL SAKURA,
Vice President for Government Affairs.

AMCA,
July 30, 2014.

DEAR MEMBER OF CONGRESS, I am writing on behalf of the American Mosquito Control Association (AMCA) to request your support for H.R. 935, which is of vital importance to the public health mission of the nation's mosquito control agencies.

Threats to the public from existing and new and emerging mosquito-borne diseases persist and have amplified. West Nile virus (WNv) is now endemic throughout the United States and annually causes local epidemics and fatalities. Eastern equine encephalitis (EEE) continues as a significant health risk, especially to children. Now, a new mosquito-borne virus, chikungunya virus (CHK), has emerged in the Western Hemisphere, causing hundreds of thousands of human cases in the Caribbean and Central America. Recently, locally transmitted cases of CHK have occurred in Florida, and this disease now threatens numerous other states as well.

Effective, local mosquito control programs are the best line of defense against these mosquito-borne diseases. Yet these programs face challenges, not the least of which is the financial burden caused by the imposition of permit requirements under the Clean Water Act National Pollutant Discharge Elimination System (NPDES). This NPDES permit requirement mandates that mosquito control agencies' limited financial resources be shifted away from actual mosquito surveillance and control activities to administrative and compliance monitoring activities.

Mosquito control products are already very well regulated under FIFRA. NPDES compliance by public health agencies does not, in fact, add any additional environmental benefit, but does add unnecessary costs. The impact of those added costs will be felt by people at most risk to mosquito-borne diseases.

The solution is the elimination of this duplicative regulatory burden by supporting and passing H.R. 935, the Reducing Regulatory Burdens Act. This legislation clarifies that no additional federal NPDES permits are required when pesticide applicators are using those products in accordance with the federal mandates established by the US Environmental Protection Agency's Office of Pesticide Programs that are already specified on the product label.

We respectfully request your support of H.R. 935.

Sincerely,

STEVE MULLIGAN,
AMCA President.

AMCA,
July 30, 2014.

On the House floor this week, Representative DeFazio said that his local mosquito control district applied for their permit online and has been able to operate just fine before and after the NPDES permits went into effect. It is our understanding that Rep. DEFAZIO does not live in a mosquito control district.

However, he has contacted the 4 Rivers Vector Control District in Bend, Oregon to

spray his vacation home. 4 Rivers VCD told him the permit would be a financial burden on their operation and they we were already regulated under FIFRA.

Rep. DEFAZIO's staff has called the North Morrow Vector Control and the Baker Valley Vector Control managers in Oregon who explained the negative impacts the permit was having on their districts. The managers of those districts have met with Rep. DeFazio's staff repeatedly in Washington D.C. over the past several years regarding the burden NPDES is having on mosquito control and provided written information (AMCA briefing papers) during those meetings.

It is our understanding that many Oregon Mosquito and Vector Control Districts have similarly written him about NPDES impacts on their districts at various times when there has been a push for legislation.

Rep DEFAZIO stated on the floor that anyone with a computer can easily get a NPDES permit online, with no fee, and no waiting period. This is not an accurate statement in the State of Oregon and most other states in the country.

Instead, operators seeking to register under the Oregon permit must take the following steps so that uninterrupted coverage continues:

Write a Pesticide Discharge Management Plan.

Obtain a Department of Environmental Quality (DEQ) application form through the mail or in person from a DEQ regional office, or download the application from the DEQ website.

Submit the application and maps of the treatment area, by mail, no less than 45 days before a planned pesticide application. There is no online application system.

Pay the permit fee is $903, and you must continue to pay an annual fee.

Failure to pay applicable fees may result in denial of an application or termination of coverage under this permit.

Submit an Annual Report. This cannot be submitted online, and there is no acknowledgement from the state that your Annual Report has been received.

The free, online permit only applies to the EPA's pesticide general permit that covers discharges in areas where EPA is the NPDES permitting authority. This only includes four states (Idaho, Massachusetts, New Hampshire, and New Mexico), Washington, D.C., all U.S. territories except the Virgin Islands, most Indian Country lands, and federal facilities in four additional states (Colorado, Delaware, Vermont, and Washington).

NPDES permits do not reduce the amount of pesticides being used, or bring about additional water monitoring. Integrated Mosquito Management strategies used by mosquito control programs for over a century, new technology, safer products, and our dedication to a healthy environment is what reduces adverse effects to Waters of the U.S.

The California NPDES permit is the strictest in the nation requiring post-treatment water testing, but after the initial samples showed that mosquito control did not adversely affect water quality, that provision of the California permit has been eliminated.

Our pesticides are vigorously tested by the Environmental Protection Agency to be used over, near, and in water without causing adverse affects to the environment. When used according to the label, the EPA has built in a significant margin of safety.

Pesticides are detected in many of our nation's waters, but the technology used today can detect pesticides at miniscule amounts; this does not mean that pesticides are present at levels toxic to people, aquatic plants or animals.

Why would environmental groups want pesticide applicators regulated under the CWA? Because it leaves municipal mosquito control programs vulnerable to lawsuits where fines may exceed $35,000/day. Under FIFRA they would need to demonstrate that the pesticides caused harm or were misapplied; because our pesticides are specific to mosquitoes and used in low doses by qualified applicators that would be extremely difficult. However, under the CWA, all they have to prove is a paperwork violation.

Communities without established Mosquito Control Districts are being deprived of the economic and health benefits of mosquito control. Historically, a local contractor could be hired to provide spraying services with the understanding that if he/she follows the FIFRA label he/she will be in compliance with the law.

Now, these local applicators must apply for a NPDES permit, create a Pesticide Discharge Management Plan, publish a Notice of Intent to apply pesticides, and wait for approval from the State or EPA. In most states the permits are not free. The steep fines under the Clean Water Act and the cumbersome administrative process have caused local applicators to discontinue mosquito control services.

Mr. GIBBS. This is a good bill that reduces burdensome regulations without rolling back any environmental safeguards.

Don't just ask the environmental community about what it takes to comply with the current duplicative Clean Water Act regulation of pesticides. Ask your farmers and your mosquito control agencies in your cities and your counties. Then look at your States' Web sites to see what it takes to apply for the NPDES permit for pesticide applications. We did that. It costs over $200 in my State of Ohio, and in Oregon, it is over $900. That does not count the time of an applicant to complete the process or the time of a regulator to evaluate the application—all to regulate again something that is already adequately regulated under FIFRA.

I urge all Members to support this bipartisan bill, and I reserve the balance of my time.

Ms. EDWARDS. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 935.

In the 112th Congress, the Republican leadership moved similar legislation under the guise that, unless Congress acted, the process for applying a pesticide would be so burdensome that it would grind to a halt an array of agricultural and public health-related activities.

Now, some may say that this may be a bit of hyperbole to describe the impacts of the Environmental Protection Agency's pesticide general permit. However, if you were to compare the concern expressed before the Agency's draft permit went into effect with the almost nonexistent level of concern expressed after almost 3 years of implementation, you would likely question why we are here this evening debating this bill.

Contrary to the rhetoric, the EPA and the States have successfully drafted and implemented a new pesticide general permit, a PGP, for the last 2½ years that adopted several commonsense precautionary measures to limit the contamination of local waters by pesticides. They do so in a way that allows pesticide applicators to meet their vital public health, agricultural, and forestry-related activities in a cost-effective manner.

This sky has not fallen. Farmers and forestry operators have had two successful growing seasons, and public health officials successfully addressed multiple threats of mosquito-borne illness while, at the same time, complying with the sensible requirements of both the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA.

I say ''sensible'' because, as we should clearly understand, the intended focus of the Clean Water Act and FIFRA are very different. FIFRA is intended to address the safety and effectiveness of pesticides on a national scale, preventing unreasonable adverse effects on human health and the environment through uniform labels indicating approved uses and restrictions. Very sensible. However, the Clean Water Act is focused on restoring and maintaining the integrity of the Nation's waters, with a primary focus on the protection of local water quality—two very distinct purposes.

It is simply incorrect to say that applying a FIFRA-approved pesticide in accordance with its labeling requirements is a surrogate for protecting local water quality. As any farmer knows, complying with FIFRA is as simple as applying a pesticide in accordance with its label. Farmers do not need to look to the localized impact of the pesticide on local water quality.

So why are groups, ranging from the American Farm Bureau Federation to CropLife America, so adamantly opposed to this regulation?

Let's explore that.

One plausible answer is that these groups do not want to come out of the regulatory shadows that have allowed unknown individuals to discharge unknown pesticides, in unknown quantities, with unknown mixtures, and at unknown locations.

I wonder how the American public would react to the fact that, for decades, pesticide sprayers could apply massive amounts of potentially harmful materials almost completely below the radar.

In fact, prior to the issuance of the pesticide general permit, the only hard evidence on pesticide usage in this country came from a voluntary sampling of the types and amounts of pesticides that were purchased from the commercial dealers of pesticides. No comprehensive information was available or required on the quantities, types, or locations of pesticides applied in this country.

Based on that practice, I guess we should not be surprised that, for decades, pesticides have been detected in the majority of our Nation's surface and groundwater, which leads me to

question how eliminating any reporting requirement on the use of pesticides is protective of human health and the environment. All this would do is make it harder to locate the sources of pesticide contamination in our Nation's rivers, lakes, and streams, and it would make the accountability for these discharges even more difficult. If this legislation were to pass, we would require more disclosure of those who manufacture pesticides than those who actually release these dangerous chemicals into the real world.

During the debate this past Monday, several speakers questioned the environmental and public health benefits of the Clean Water Act for the application of pesticides. However, many of these benefits are so obvious that it is not surprising they may have otherwise gone overlooked.

First, it is the Clean Water Act, not FIFRA, that requires pesticide applicators to minimize pesticide discharges through the use of pesticide management measures, such as integrated pest management. I find it very difficult to argue that using an appropriate amount of pesticides for certain applications would be a problem.

Second, it is the Clean Water Act, not FIFRA, that requires pesticide applicators to monitor for and report any adverse incidents that result from spraying.

□ 1845

I would think that monitoring for large fish or wildlife kills would actually be a mutually agreed-upon benefit.

Also, it is the Clean Water Act and not FIFRA that requires pesticide applicators to keep records on where and how many pesticides are being applied throughout the Nation. Again, if data is showing that a local water body is contaminated by pesticides, I would think the public would want to quickly identify the likely sources of pesticide that is causing the impairment.

Finally, and perhaps most important, I am unaware that, despite repeated requests to both EPA and the States, of any specific example where the current Clean Water Act requirements have prevented a pesticide applicator from performing their services.

So despite claims to the contrary, the Clean Water Act has not significantly increased the compliance costs to States or individual pesticide sprayers, nor has it been used as a tool by outside groups or the EPA to ban the use of pesticides.

So let me summarize just a few points.

One, the Clean Water Act does provide a valuable service in ensuring that an appropriate amount of pesticides are being applied at the appropriate times and that pesticides are not having an adverse impact on human health or the environment.

Number two, to the best of my knowledge, the pesticide general permit has imposed no impediment on the ability of pesticide applicators to provide their valuable service to both agricultural and public health communities. In fact, most pesticide applications are automatically covered by the pesticide general permit, either by no action or by filing of an electronic notice of intent.

Three, Federal and State data make clear that application of pesticides in compliance with FIFRA alone, as was the case for many years, was insufficient to protect water bodies throughout the Nation from being contaminated by pesticides. So, if we care about water quality, more needed to be done.

I can see no legitimate reason why we would want to allow any user of potentially harmful chemicals to return to the regulatory shadows that existed prior to the issuance of Clean Water Act pesticide general permits. It has caused no known regulatory, administrative, or significant financial burden, and it has been implemented seamlessly across country. As was stated during the debate on Monday, this legislation is seeking to address a pretend problem that simply does not exist.

I urge a ''no'' vote on H.R. 935, and I reserve the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield myself as much time as I may consume.

Well, as a farmer, I take a little bit of offense to some of the remarks that we are applying pesticides in the shadows.

Pesticides cost money and, as farmers, we do not control what we get for our products, our commodities. We are raising corn and soybeans. We are at the mercy of the commodities market, so we have to do everything we can do on the cost side. And we certainly aren't going to waste a valuable input cost: pesticide, herbicide, and insecticide. So that is just an erroneous statement. That is just not true. Farmers of today are professionals, high capital cost operations, and it just makes no sense that we would waste those inputs.

On the issue about finding pesticide residues in water bodies, there is an issue that we call legacy issue, meaning that there was pesticides used many years ago that didn't break down in the environment, weren't biodegradable, and there is essentially a bank of residue left, and you get those legacy issues. The pesticides we are using today are much safer. The industry, the technology has improved drastically, and a lot of these pesticides, if not all, are more biodegradable.

Also, keep in mind, under FIFRA, the EPA approves the label. That is the approval of the process and the application and the amount that can be used. In most States, if not all States, most of these pesticides are being applied, have to be applied by certified applicators, and they are licensed. So they are filling out some paperwork and have to do due diligence.

This bill really does add a lot of duplication, because we went to a couple of States, and if you are applying a pesticide near a water body or a wetland—and that is open for definition how close that may be—you have to go online and apply for the permit. In some States, you have to apply for, you have to submit a management plan. You have to list where you are going to be applying the pesticide, the location.

So, basically, let's take this down to a homeowner level. A homeowner maybe wants to spray their yard for dandelions. If they are maybe reasonably close to a water body, or maybe not—that is open for discussion—they have to go online and, like I said, in Oregon, they have got to apply for a permit and submit a management plan and pay over a $900 fee. In my State of Ohio, it is over $200.

I think that is a little bizarre, as long as they are applying it to the label under EPA approval.

So let's also talk about mosquito control districts. We had a huge outbreak of West Nile virus in 2012. That was a big mosquito year. I guess last year wasn't as much. This year, the debate is going to be out on that.

But we were hearing evidence that, because of the permitting requirements, that some of our mosquito control districts—and the American Mosquito Control Association actually surveyed their members. Some of them were actually kind of holding back and doing the preventative programs.

I know of one large metropolitan area in the southern part of this country that had to declare an emergency. And the irony of this, when they declare an emergency, they don't have to get any permits. It was so bad, they had to do aerial spraying, so that was putting the environment even at more risk. When you go from land application up to aerial, you can imagine the possible results that could happen of contamination—and with no permit requirement.

So we do have evidence, there was some talk on Monday night in this debate that the one gentleman on the other side of the aisle was talking about: My mosquito control district, there is no issue—no issue, no problem.

Well, we talked to his mosquito control district and it is a problem, and they have been talking to them for the last several years that this is a problem.

I would also contend, I did some research, checked around with some of our local spraying outfits, the grain elevators that do spraying. They don't know about this new rule yet because the EPA, in a lot of States, hasn't notified, they haven't implemented it. I think maybe because they know there is legislation hanging out there. So a lot of our entities don't know about it yet. Some of the larger, obviously, mosquito control districts and larger operations might know.

But the reason, when you talk about it has been nearly 3 years, which is more like 2 years, and there hasn't been a problem as we might think

there should be a problem is because a lot of them aren't doing the NPDES permits because they are not aware of that fact yet.

So at some point, if we don't fix this, the hammer is going to come down and you are going to hear about it from farmers, mosquito control districts, and individual homeowners.

So I just want to make that clear that this bill is duplicative, and they are under a lot of regulation, and the EPA approves the label. If you are not applying a pesticide under the label requirements, then you have got a problem.

But we don't need to open this up to farmers and landowners and mosquito control districts to lawsuits and other problems. So what this is really boiling down to today is, now I am starting to see this is a revenue stream into the EPA for these outrageous costs of the NPDES programs.

Mr. Speaker, I reserve the balance of my time.

Ms. EDWARDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON. I thank the gentlelady.

Mr. Speaker, I rise today to support H.R. 935, the Reducing Regulatory Burdens Act, which will relieve farmers, foresters, and other pesticide applicators from a potentially costly regulatory burden that would do little, if anything, to protect the environment. The legislation simply makes clear congressional intent by amending both the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, to prohibit permits for pesticide application when pesticides are applied consistent with FIFRA.

This legislation is necessary following a 2006 decision by the Sixth Circuit Court of Appeals that overturned an EPA rule which specifically exempted permitting of certain pesticide applications under the Clean Water Act. The Court's decision preempts FIFRA by the Clean Water Act for the first time in the history of either statute.

Clean Water Act permitting requirements place a significant burden and responsibilities on the States and the EPA. These National Pollution Discharge Elimination System permits do not reduce the amount of pesticides being used or bring about additional water monitoring.

I know many of my colleagues share my concern about the regulations coming from the EPA, and frankly, the last thing we need to do, we need the EPA to do, or the lawyers or the judges who don't understand agriculture, is to have them tell farmers how to farm or add another meaningless paperwork exercise to their workload. The courts are not the place to make agriculture policy, and this legislation takes a step to address that.

Additionally, this bill is identical to legislation passed by the House last Congress with broad and strong bipartisan support. So I urge my colleagues to show that same support today.

Mr. GIBBS. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentleman from Ohio has 18½ minutes remaining.

Mr. GIBBS. Mr. Speaker, I yield the remainder of my time to the gentleman from Oklahoma (Mr. LUCAS), the chairman of the Agriculture Committee, and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(Mr. LUCAS asked and was given permission to revise and extend his remarks.)

Mr. LUCAS. Mr. Speaker, I rise in support of this legislation.

This legislation was the product of collaborative work done by two House committees, along with technical assistance from the Obama administration's Environmental Protection Agency. This is the way legislation should be handled, and I am proud of our efforts in the House.

To refresh our memories, this problem stems from an uninformed court decision in the Sixth Circuit Court of Appeals. This decision invalidated a 2006 EPA regulation exempting pesticides regulations that are in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act from having to also comply with a costly and duplicative permitting process under the Clean Water Act.

I want to be clear, our pesticides are vigorously tested by the EPA to be used over, near, and in water without causing adverse effects to the environment. When used according to the label, the EPA has built in a significant margin of safety. Communities without established mosquito control districts are being deprived of the economic and health benefits of mosquito control.

Historically, a local contractor could be hired to provide spraying services with the understanding that, if they followed the FIFRA label, they would be in compliance with the law. Now these local applicators must apply for an NPDES permit, create a Pesticide Discharge Management Plan, publish a notice of intent to apply pesticides, and wait for approval from the State or EPA. In most States, the permits are not free. The steep fines under the Clean Water Act and the cumbersome administrative process have caused local applicators to discontinue mosquito control services.

The effort to have these same products today doubly regulated through the Clean Water Act permitting process is unnecessary, costly, and, ultimately, undermines public health. It amounts to a duplication of regulatory compliance costs for a variety of public agencies and doubles their legal jeopardy. Think about that—doubles their legal jeopardy.

I encourage my colleagues to vote in support of this legislation.

Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD) for debate purposes.

Mr. CRAWFORD. I thank the chairman of the Agriculture Committee, and I certainly appreciate the chairman of the Subcommittee on Waterways for his leadership.

I rise today in support of H.R. 935.

Mr. Speaker, the last thing we need in agriculture right now is more regulation. Pesticides are and have been an integral part of insuring that our Nation continues to produce the world's most abundant, safe, and affordable food supply. As it stands today, pesticides already go through a minimum of 125 safety tests before being registered for use. On top of that, they are subject to strict labeling and usage requirements, as the Agriculture Committee chairman alluded to in his remarks.

Passage of H.R. 935 will clarify congressional intent that Clean Water Act permits are not required for lawful pesticide applications and protect pesticide users from abusive lawsuits.

□ 1900

Mr. LUCAS. Mr. Speaker, I now yield 2 minutes to the gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today in support of H.R. 935, which prevents wasteful and duplicative regulations that could ultimately expand the EPA's reach further into every part of our country.

Federal law already requires the EPA to ensure that pesticides cause "no unreasonable adverse effect" to humans or the environment. Labels attached to pesticides that are related to its use are crafted to minimize such impacts. The label, in effect, is the law today. When a person does not follow the label, regardless of additional permits, they are violating the law.

Yet activists believe requiring water permits, even when a user abides by the pesticide label, will somehow strengthen our water quality. States continue to spend more and more money and man hours implementing and enforcing a water permit process that most regulators do not believe does anything to further protect the water quality. That is why H.R. 935 is so important.

This bill removes a pointless paperwork exercise and burden through NPDES permits that do nothing but create additional hurdles between consumers and the benefits of products like pesticides provide.

Registration and labeling of a pesticide already does as much as any additional NPDES permit would require. In fact, EPA's own analysis suggests that the NPDES permits program for pesticides is the single greatest expansion in the program's history, covering over 5.5 million pesticide applications per year by 365,000 applicators.

If H.R. 935 is not implemented, the effects of the EPA's overregulation would be felt across the State of Georgia. For example, county officials will

have one more hurdle to overcome when trying to control the mosquito population and the outbreak of West Nile virus. These counties are forced to address an additional bureaucratic hurdle before they are able to address a serious health threat to our citizens, a hurdle that provides no additional benefits.

With this unprecedented expansion, all stakeholders are affected, including State agencies, cities, counties, municipalities, research scientists, forest managers—and every American will pay for this. Last Congress, we passed this same legislation, 292–130, and I ask Congress to, again, do the same thing.

Ms. EDWARDS. Mr. Speaker, I just want to clear up a couple of points here.

For the record, 45 States actually manage their own pesticide programs. So it is not the responsibility of the Federal Government or the EPA.

In fact, contrary to what we have heard here tonight, Mr. Speaker, small applicators are already covered. They don't need to do anything. They are covered already under the permitting process.

And then just to be clear, in fact, in the management of those 45 States—a State like Idaho, for example, currently has 122 active permits, and there has been no charge for that permit. It is free from the Federal Government. And that is true for actually a number of States.

Now, we have heard about the dramatic effect that the regulations would have. But, in fact, for almost 3 years now, there has been no drama. The process has worked well. And confusing the FIFRA process and the purposes of the Clean Water Act, I think in some ways, is what brings us here today. As I said earlier, they are very distinct. And, in fact, just because we need to cover applying pesticides and controlling the way that those are applied and the application doesn't absolve us of a responsibility also to make certain that our water bodies are clean.

There is another myth, actually, that has been put forward here that we have heard. And that is that maintaining the Clean Water Act would subject pesticide applicators to litigation and increase citizen suits. In fact, this is false. If a pesticide applicator abides by the terms of the Clean Water Act, the pesticide general permit—which applies in accordance with the FIFRA label and minimizes the use of the pesticide and conducts routine monitoring of acute impacts—they are, by the terms of the Clean Water Act, immune from lawsuits by any party.

Another myth that we have just heard here is that the permitting process, Mr. Speaker, the FIFRA requirements and the Clean Water Act, are duplicative. As I have said earlier, FIFRA addresses the safety and effectiveness on a national scale, preventing unreasonable adverse impacts on human health and the environment through uniform labeling requirements. In contrast, the Clean Water Act is focused on restoring and maintaining the integrity of local water bodies, with direct considerations on the potential impact of additional pollutants to specific waters. So measuring the human health and environment with uniform labeling and protecting the waters are two separate purposes.

Another myth that we have heard here is that most of the pesticides that are contained in the existing studies are legacy pesticides that are no longer used domestically. There is no evidence of pesticide contamination by currently used pesticides. This is absolutely false.

Although the U.S. Geological Survey did publish a report in 2006 that documented how pesticides were detected in every stream tested by the USGS, including pesticides such as DDT and chlordane that were previously banned as recently as 2014, the USGS has published several research studies showing how more recently developed pesticides and insecticides are being detected as widespread in streams in high corn and soybean regions of the United States.

So we have heard a lot of mythology here, but it is important for Congress to deal in reality. So I just wanted to clear those things for the record.

And I would inquire of the gentleman if he has additional requests for time because I am prepared to close.

Mr. LUCAS. I do, indeed, have one further request, and then I will yield back to my friend from Ohio, who will close.

Ms. EDWARDS. I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, with that, I yield 4½ minutes to the gentleman from Florida (Mr. YOHO).

(Mr. YOHO asked and was given permission to revise and extend his remarks.)

Mr. YOHO. I thank the chairman for yielding.

Mr. Speaker, I rise in support of the legislation. This evening, we are, once again, considering H.R. 935, the Reducing Regulatory Burdens Act. Many of you will remember that the House voted in support of this legislation 3 years ago. That bill, H.R. 872, passed the House floor on suspension with a vote of 292–130.

This same language was included in the 2012 farm bill that was reported out of the Agricultural Committee, as well as the 2013 farm bill, which the House sent to the farm bill conference. It was included in the committee-reported text of the fiscal year 2012 Interior and Environment Appropriations bill. Unfortunately, due to the opposition from a couple of our friends in the Senate, we have been unable to get this bill to the President's desk, which we know, once done, will guarantee his signature.

As many of you may recall, this language was drafted at our request for technical assistance by the EPA general counsel. The problem we asked the EPA to help resolve stems from an uninformed court decision in the Sixth Circuit. This decision nullified a 2006 EPA regulation that exempted certain pesticides from having to comply with a costly and duplicative permitting process under the Clean Water Act.

My colleague, the gentlewoman from Maryland, gave a very nice speech. And she mentioned several times the potential problem of contaminating creeks, the potential problems of this pesticide causing all of these problems that we haven't seen. We don't have the facts on that, and to regulate something that is already regulated—and I must caution everybody how these drugs and how these pesticides come out. They go through extensive testing. Millions of dollars are spent by these industries. And the intent by those pressing to have federally registered pesticides regulated through the Clean Water Act is unnecessary, it is costly, and it ultimately undermines public health. It amounts to a duplication of compliance costs for a variety of public agencies, adding to their legal jeopardy and threatening pesticide applicators, including mosquito control districts, with fines set at $37,500 per day per violation. All I can say is, welcome to going out of business if you are in the private sector.

Across the country, several mosquito control districts may have to cease operations due to these costs. If this occurs, it would expose large portions of the population to mosquitoes carrying a number of dangerous and exotic diseases, such as West Nile virus. Hospitalization and rehab costs ranging from the tens of thousands into the millions of dollars, lost productivity, a decrease in tourism, and negative impacts on horses and livestock production are but a few of the costs that will further strain public health resources.

Being a veterinarian for the last 30 years, I have seen effects of mosquito-borne diseases. In addition, the West Nile virus causes deaths, from alligators to humans. Also, diseases such as Eastern encephalitis are transmittable to people, along with dengue fever, which is moving its way up from the Caribbean through the peninsula of Florida, and it will, no doubt, get up further to the mainland of the United States of America, in addition to the heartworm disease in our pets.

This unnecessary mandate applies not only to local and State interests but also to Federal agency lands located in States directly regulated by the EPA. For example, Federal agencies, such as the Army Corps of Engineers, authorize the use of some of their lands for many purposes, including recreation and agriculture. These uses often require pesticide applications to prevent mosquito-borne transmitted diseases and for other purposes.

Although the local mosquito control district may be the entity actually applying the pesticide, the Army Corps District is required to obtain the permit and sign off on related reports, thereby pointlessly driving up costs to

the Federal Government. We have agencies suing government agencies.

Further, experience has shown that the Corps is unwilling to assume permit responsibility for activities that it is not actually performing. This is a regulatory burden that Congress never intended, and I urge my colleagues to support this legislation.

Ms. EDWARDS. Mr. Speaker, I would like to enter into the RECORD a letter from 144 environmental organizations, community-based organizations around the country that oppose H. Res. 935.

BEYOND PESTICIDES, BEYOND TOXICS, CATA—THE FARMWORKER SUPPORT COMMITTEE, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE, EARTHJUSTICE, ENDANGERED SPECIES COALITION, FARMWORKER ASSOCIATION OF FLORIDA, GREENPEACE, LOUISIANA ENVIRONMENTAL ACTION NETWORK, LEAGUE OF CONSERVATION VOTERS, LOWER MISSISSIPPI RIVERKEEPER, NATURAL RESOURCES DEFENSE COUNCIL, NORTHWEST CENTER FOR ALTERNATIVES TO PESTICIDES, NORTHWEST ENVIRONMENTAL ADVOCATES, NORTHWEST ENVIRONMENTAL DEFENSE CENTER, PESTICIDE ACTION NETWORK, SAN FRANCISCO BAYKEEPER, SIERRA CLUB, SURFRIDER FOUNDATION, WATERKEEPER ALLIANCE, WATERKEEPERS CAROLINA,

July 25, 2014.

Re Oppose H.R. 935 (''Reducing Regulatory Burdens Act of 2013'')

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters nationwide, we urge you to oppose H.R. 935 (''Reducing Regulatory Burdens Act of 2013''), which would prevent the Environmental Protection Agency from protecting water supplies from direct applications of pesticides.

Nearly 150 human health, fishing, environmental, and other organizations have opposed efforts like H.R. 935 that would undermine Clean Water Act permitting for direct pesticide applications to waterways. We attach a list of these groups for your reference, as well as a one-page fact sheet with more information on the issue.

Regulating pesticide discharges to waterways under the Clean Water Act is critical. Despite current regulation under the Federal Insecticide, Fungicide, and Rodenticide Act, pesticides continue to impair our waterways in significant quantities and have caused real harm to public health and ecosystems. H.R. 935 would render ineffective the Clean Water Act pesticide general permit that took effect in 2011 (''pesticide general permit''). This permit is necessary to protect our waterways, public health, and fish and wildlife.

There have been mischaracterizations of the existing permit that we must correct:

The pesticide general permit has no significant effect on farming practices. The permit in no way affects land applications of pesticides for the purpose of controlling pests. Irrigation return flows and agricultural stormwater runoff will not require permits, even when they contain pesticides. Existing agricultural exemptions in the Clean Water Act remain.

The pesticide general permit allows for spraying to combat vector-borne diseases such as the West Nile virus. According to the Environmental Protection Agency, the permit ''provides that pesticide applications are covered automatically under the permit and may be performed immediately for any declared emergency pest situations.''

The pesticide general permit—which has been in place for more than two and a half years now—simply lays out commonsense practices for applying pesticides directly to waters that currently fall under the jurisdiction of the Clean Water Act. Efforts to block this permit are highly controversial, as evidenced by the attached list of groups opposed.

Please protect the health of your state's citizens and all Americans by opposing H.R. 935.

Sincerely,

Marty Hayden, Vice President, Policy & Legislation, Earthjustice; Scott Slesinger, Legislative Director, Natural Resources Defense Council; Sara Chieffo, Legislative Director, League of Conservation Voters; Dalal Aboulhosn, Senior Washington Representative, Sierra Club; Jeannie Economos, Pesticide Safety & Environmental Health Project Coordinator, Farmworker Association of Florida; Nelson Carrasquillo, Executive Director, CATA—The Farmworker Support Committee; Mary Beth Beetham, Director of Legislative Affairs, Defenders of Wildlife; Jay Feldman, Executive Director, Beyond Pesticides; Brett Hartl, Endangered Species Policy Director, Center for Biological Diversity; Nina Bell, Executive Director, Northwest Environmental Advocates; Rick Hind, Legislative Director, Greenpeace.

Pete Nichols, National Director, Waterkeeper Alliance; Heather Ward, Executive Director, Waterkeepers, Carolina; Mark Riskedahl, Executive Director, Northwest Environmental Defense Center; Tara Thornton, Program Director, Endangered Species Coalition; Marylee Orr, Executive Director, Louisiana Environmental Action Network; Paul Orr, Riverkeeper, Lower Mississippi Riverkeeper; Jason Flanders, Program Director, San Francisco Baykeeper; Kristin S. Schafer, Policy Director, Pesticide Action Network; Lisa Arkin, Executive Director, Beyond Toxics; Gus Gates, Oregon Policy Manager, Surfrider Foundation; Kim Leval, Executive Director, Northwest Center for Alternatives to Pesticides.

WHO OPPOSES EFFORTS TO UNDERMINE CLEAN WATER ACT PERMITTING FOR DIRECT PESTICIDE APPLICATIONS?

The below organizations have signed letters opposing legislation that guts Clean Water Act safeguards protecting communities from toxic pesticides:

Alaska Community Action on Toxics, Altamaha Riverkeeper and Altamaha Coastkeeper, Atchafalaya Basinkeeper, Apalachicola Riverkeeper, Assateague Coastkeeper/Assateague Coastal Trust, American Bird Conservancy, American Rivers, Audubon California, Better Urban Green Strategies, Beyond Pesticides, Big Black Foot Riverkeeper, Biscayne Bay Waterkeeper, Black Warrior Riverkeeper, Blackwater Nottoway Riverkeeper Program, Buffalo Niagara Riverkeeper, Butte Environmental Council, Californians for Alternatives to Toxics, Californians for Pesticide Reform, California Sportfishing Protection Alliance, Cape Fear River Watch, Cascobay Baykeeper, Catawba Riverkeeper Foundation, Inc., Center for Biological Diversity, Center for Environmental Health, Center on Race, Poverty & the Environment, Charleston Waterkeeper, Choctawhatchee Riverkeeper, Clean Water Action, Clean Water Network, Coast Action Group, Colorado Riverkeeper, Cook Inletkeeper, Inc., Defenders of Wildlife, Detroit Riverkeeper, Dolphin Swimming and Boating Club, The Earth Cause Organization, Earthjustice, Emerald Coastkeeper, Endangered Species Coalition, Environment America, Environment California, Environmental Protection Information Center, Environmental Advocates, Flint Riverkeeper, Food & Water Watch, Forestland Dwellers, French Broad Riverkeeper, Friends of the Earth, Friends of Five Creeks, Friends of Gualala River, Friends of the Petaluma River, Galveston Baykeeper, Geos Institute, Golden Gate Audubon Society, Grand Riverkeeper, Grand Traverse Baykeeper, Gunpowder Riverkeeper, Hackensack Riverkeeper, Inc., Haw Riverkeeper/Haw River Assembly, Housatonic River Initiative, Hurricane Creekkepper/Friends of Hurricane Creek, Hudson Riverkeeper, Humboldt Baykeeper, Idaho Conservation League, Indian Riverkeeper, Inland Empire Waterkeeper, Kansas Riverkeeper, Klamath Forest Alliance, Klamath Riverkeeper, Lake George Waterkeeper, Lake Pend Oreille Waterkeeper, Lawyers for Clean Water, League of Conservation Voters, Long Island Soundkeeper, Louisiana Bayoukeeper, Louisiana Environmental Action Network, Lower Mississippi Riverkeeper, Lower Neuse Riverkeeper, Lower Susquehanna Riverkeeper, Madrone Audubon Society, Milwaukee Riverkeeper, Mothers of Marin Against The Spray, Narragansett Baykeeper, National Audubon Society, National Environmental Law Center, Natural Resources Defense Council, Neuse Riverkeeper Foundation, New York/New Jersey Baykeeper, Northcoast Environmental Center, Northern California River Watch, Northwest Environmental Defense Center, Northwest Center for Alternatives for Pesticides, Ogeechee Riverkeeper, Orange County Coastkeeper, Oregon Wild, Oregon Toxics Alliance, Ouachita Riverkeeper, Pacific Coast Federation of Fishermen's Associations, Pamlico-Tar Riverkeeper, Patuxent Riverkeeper, Peconic Baykeeper, Pesticide Action Network, Pesticide-Free Sacramento, Pesticide-Free Zone, Pesticide Watch, Planning and Conservation League, Potomac Riverkeeper, Public Employees for Environmental Responsibility, Puget Soundkeeper Alliance, Quad Cities Riverkeeper, Raritan Riverkeeper, Riverkeeper, Rogue Riverkeeper, Russian River Watershed Protection Committee, Russian Riverkeeper, Sacramento Audubon Society, Inc., Safe Alternatives for Our Forest Environment, Safety Without Added Toxins, Saint John's Organic Farm, Saint Louis Confluence Riverkeeper, San Diego Coastkeeper, San Francisco Baykeeper, San Francisco League of Conservation Voters, San Francisco Tomorrow, Santa Monica Baykeeper, Santee Riverkeeper, Satilla Riverkeeper, Save Our Wild Salmon Coalition, Savannah Riverkeeper, Shenandoah Riverkeeper, Sierra Club, Silver Valley Waterkeeper, Spokane Riverkeeper, St. Johns Riverkeeper, Stop the Spray East Bay, Tennessee Riverkeeper, The Bay Institute, Toxics Action Center, Tualatin Riverkeepers, Upper Neuse Riverkeeper, Upper Watauga Riverkeeper, Waterkeeper Alliance, West/Rhode Riverkeeper, Western Nebraska Resources Council, Xerces Society for Invertebrate Conservation, Yadkin Riverkeeper.

Ms. EDWARDS. Mr. Speaker, I yield myself such time as I may consume.

Again, I think it is important for us to deal in facts and not in mythology. And a couple of the facts are these:

In 2008, States reported to the EPA—that is, State reporting agencies—that 16,819 miles of rivers and streams, 1,766 square miles of bays and estuaries, and

260,342 acres of lakes are impaired or threatened by pesticides. So it is simply not the fact, Mr. Speaker, that there is no identified pesticide contamination in our water bodies. It is simply not true.

I just want to note also for the record, Mr. Speaker, that, again, there has been no evidence at all that, again, despite the repeated request of the EPA and State-run permit programs, that there are specific examples where the application of the Clean Water Act requirements have prevented a pesticide applicator from performing their services. So if there was a problem and a burden, then identify it. And there simply has been no identification of such a problem.

In closing, Mr. Speaker, I want to review our recent history. Just on Monday of this past week, the House of Representatives actually defeated the bill that we are considering tonight, H.R. 935, under suspension of the rules. So having gone through that defeat, tonight we have debated the merits again of that same piece of legislation under a rule that does not allow any amendments to improve the bill to be offered, debated, or voted on. Tomorrow, the House will, once again, vote on passage of H.R. 935, the bill that failed under a suspension of the rules on Monday.

This legislation will undermine one of our Nation's most successful environmental laws, the Clean Water Act, in limiting the potential contamination of our Nation's waters by pesticides.

Contrary to some of the rhetoric—some of which we have heard tonight, Mr. Speaker—the Environmental Protection Agency has successfully drafted and implemented a new pesticide general permit for the last 2½ years.

□ 1915

That regulation has several commonsense precautionary measures that limit contamination of local waters by pesticides—we have heard from the States even since 2008 that pesticide contamination in thousands of miles of streams, rivers, and estuaries are in fact contaminated by pesticide—while it would allow pesticide applicators to meet their vital public health, agricultural, and forestry-related activities in a cost-effective manner.

Now, last Congress, Mr. Speaker, the House narrowly approved a similar bill, H.R. 872, under suspension of the rules by a vote of 292–130, under the guise of regulatory uncertainty under a yet-unseen Clean Water Act permit program.

However, since that time, the EPA has issued a reasonable and protective Clean Water Act permit program that preserves vital farming, forestry, and mosquito control activities at the same time as protecting our Nation's waters. So a year passed, and we have implemented a program that is underway now.

Mr. Speaker, the Clean Water Act is a key to those of us who value clean drinking water and fishable, swimmable waters or who represent States that depend on tourism, like my home State of Maryland, since we have the fourth longest coastline in the continental United States, the Chesapeake Bay—which is the largest estuary in the United States—and several of its tributaries, including the Anacostia, Patuxent, Potomac, and Severn Rivers that flow through the Fourth Congressional District.

The shoreline of the Chesapeake and its tidal tributaries stretch for over 2,000 miles, and thousands of streams, rivers, and acres of wetlands provide the freshwater that flows into the bay.

Thanks to the Clean Water Act, over the past 40-plus years, billions of pounds of pollution have been kept out of our rivers, and the number of waters that meet clean water goals nationwide has doubled, with direct benefits for drinking water, public health, recreation and wildlife.

The act represents a huge step forward by requiring States to set clean water standards to protect uses such as swimming, fishing, and drinking and for the regulation of pollution discharges.

Mr. Speaker, we cannot possibly want to return to a laissez-faire policy that provided no accountability to who was using what pesticides, where they were using those pesticides, and in what amounts and resulted in thousands of miles of streams and lakes being contaminated by pesticides.

I would urge my colleagues to take the commonsense approach that the EPA has taken and to, on both sides of the aisle, vote ''no'' on H.R. 935 and to once again vote down legislation that is looking to solve a problem, Mr. Speaker, that simply does not exist.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. LUCAS. Mr. Speaker, how much time does my side have remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma has 8½ minutes remaining.

Mr. LUCAS. Mr. Speaker, I yield 8½ minutes to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Mr. Speaker, this bill does not deregulate pesticides as has been suggested by some speakers. Pesticides have been regulated under FIFRA for decades, and this bill does not change that.

This bill makes it clear that if you are a mosquito control agency, a farmer, or a citizen that is applying a pesticide and you are complying with FIFRA, you do not need an NPDES permit.

Now, there are a couple facts that came out here tonight that the other side said that, without this bill, it is not necessary because you don't have to get a permit to go out and apply pesticides. Well, if you are applying near a water body or a wetland, you do have to get an NPDES permit from the court decision.

This was not an EPA decision. This was a court decision that looked at it in a narrow vision, and it was a very ill-advised court decision, and I would say when you look at proposed rules out there about waters in the United States, it is up to debate what is near or close to a water body, so that is a fact that we would have that.

Mr. Speaker, I want to share a personal experience. Several years ago, my soybean crop—it was a Friday, late Friday afternoon, working with my certified pesticide applicator, we discovered that my soybean crop had just been attacked by spider mites, an insect, and we had to make application, insecticide application, to take care of it.

That application was made on a Friday night. If I had to apply for an NPDES permit, fill out the form, put in the management plan, submit it to the State, it comes back—I don't know if we would have got it until Tuesday. I would have lost—the damage to my soybean crop would have been substantial.

So the issue out here that there is no cost happening, there will when this thing gets fully implemented because, in practice, this court decision has not been fully implemented in practice across the country, but that will be coming if we fail to enact H.R. 935.

This bill removes the needless and duplicative regulation that threatens public health and imposes an expensive burden on public and private entities trying to safely approve pesticides.

This is a bipartisan bill. It has passed out of this House last Congress by a two-thirds majority. We had partisan antics going on Monday night. We had people switch their votes under pressure for partisan reasons, and that is not good government.

This bill will help protect the environment and human safety when you especially look at West Nile virus and all the other mosquito diseases we are finding that are coming about.

We have to allow our certified pesticide applicators, our mosquito control districts to do their job, and if the private sector wants to go in here and have to do all this extra permitting—we are not talking—when you hear about general permit, you think, oh, I just get a permit for the season, and I am good to go.

That is not what the general permit means. What it means is you have to go every time you do an application, if it is near or close to a wetland or water body, apply for a permit, put in that permit where the location is going to be, probably the date.

Well, say it is raining that day or it is too windy. Do you have to reapply for your permit? That is kind of up in the air still, so there are a whole bunch of issues out there, plus the costs, the time to do it, the bureaucracy, the red tape, and the costs.

Mr. Speaker, I think the one that is really bizarre is if you are a homeowner and you want to apply a pesticide to your yard and if you are near a water body or a wetland, whatever,

you have to apply for a permit because of this court decision.

This will bog down the NPDES permit process, and it will delay and add costs, and it puts farmers in jeopardy to get their crops to maintain and get the yields we need to produce the wholesome food supply in this country that our agricultural community produces and our mosquito control districts that protect many of our citizens from West Nile virus and other mosquito-borne diseases.

So this is critical that these bills pass because we are getting close to the time when we are going to see very much damage being done. We saw a little bit of it in 2012, in at least one large metropolitan area, when they had to spray for mosquitoes aerially when they declared an emergency when it got so far out of hand because they didn't do the preventative measures.

So, Mr. Speaker, I urge Members to pass this bill, send it to the Senate, and hopefully, the Senate takes it up and passes it to protect the environment and health and human safety of the citizens of this country.

Mr. LUCAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 694, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 935 is postponed.

HOUR OF MEETING ON TOMORROW

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HONORING THE LIFE OF ARKANSAS POLICE OFFICER AND LAW ENFORCEMENT TRAINING ACADEMY INSTRUCTOR MARK WILLIAMS

(Mr. COTTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COTTON. Mr. Speaker, today, I want to honor the life of longtime Arkansas police officer and Law Enforcement Training Academy instructor, Mark Williams.

Born and raised in El Dorado, Mark began his law enforcement career in his hometown with the El Dorado Police Department in 1977, serving as a patrolman, detective, and sergeant.

Mark also served as a supervisor in the Hope Police Department's Patrol Division before joining the faculty of the Arkansas Law Enforcement Training Academy in 1994, where he trained new police officers until his retirement in 2013.

Mark's commitment to Arkansas didn't end there. He was also a gifted musician, who served as an Artist in Education, playing his guitar to entertain and educate children across south Arkansas.

I extend my deepest condolences to Mark's wife, children, and grandchildren on their loss. May they find comfort in knowing that Mark's legacy lives on with the thousands of Arkansas police officers he trained over nearly two decades at the academy and in the countless children and Arkansans he inspired with his music.

HONORING THE 138th ANNIVERSARY OF THE FOUNDING OF THE UNITED STATES COAST GUARD ACADEMY

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, I rise today to honor the 138th anniversary of the founding of the Revenue Cutter School of Instruction, the predecessor of today's Coast Guard Academy, on July 31, 1876.

On that day, the Academy's first training exercise was held aboard the two-masted topsail schooner Dobbin, with a class of nine cadets. The class boarded the Dobbin in Baltimore, Maryland, for a 2-year training mission led by Captain John Henriques. Training aboard the ship emphasized seamanship and navigation, as it still does each summer when cadets still sail onboard the Coast Guard Barque Eagle.

Today, the Coast Guard Academy, located in New London, Connecticut, since 1910, is the home to a corps of nearly 1,000 cadets, 200 of whom graduate each year.

The Coast Guard Academy produces almost half of the service's corps of commissioned officers and has graduated distinguished leaders such as Thad Allen, Bob Papp, and the present commandant of the Coast Guard, Admiral Paul Zukunft, who lead our Coast Guard and serve the Nation. Today, it is led by the first woman officer to lead a United States military academy, Admiral Sandra Stosz.

As a cochair of the Congressional Coast Guard Caucus and the representative of Connecticut's Second District, home to the Coast Guard Academy, I am honored to recognize its distinguished beginnings and the longstanding traditions of leadership and excellence which continue to serve our country.

MEDICARE'S 49TH BIRTHDAY

The SPEAKER pro tempore (Mr. DESANTIS). Under the Speaker's announced policy of January 3, 2013, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONYERS. Mr. Speaker, Members of the House, I rise today to celebrate the 49th anniversary of the Medicare bill. The impact of Medicare on the lives of millions of Americans over the past 49 years has been extraordinary. As a result of this program, Mr. Speaker, millions of Americans have lived longer, more productive, and healthier lives.

I am very fortunate and honored to be able to say that I was one of the few Members still here who cast a vote for Medicare in 1965. Earlier that year, I joined with the gentleman from California, Cecil King, and I introduced, as my very first piece of legislation, a bill that would have provided health care under Social Security and an increase of benefits.

Mr. Speaker, I said at that time:

> Our senior citizens have far too long been neglected in this, the most prosperous society on Earth. Many of them, after leading productive lives prior to their twilight years, have been so overburdened with medical costs that they have been denied the rewards that should come with retirement.

I am proud to say that in my nearly five decades since the enactment of Medicare, the program has accomplished its mission of providing retirement security for America's seniors and care for those suffering from disabilities and debilitating diseases; yet Medicare continues to face threats from some of the same opponents that have opposed its enactment back in 1965.

They continue to seek to cut Medicare's guaranteed benefits and push seniors into private plans, which value profits over health outcomes.

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Today we present another path forward, one in which Medicare's benefits are protected by expanding health care security and insurance coverage to more Americans, not fewer.

Since 2003, I have introduced H.R. 676, the Expanded and Improved Medicare for All Act, which would create a national publicly funded, privately delivered single-payer health care system. Studies have shown that enacting H.R. 676 would save nearly a half trillion dollars by slashing the administrative waste associated with the private health care system.

Another $100 billion would be saved by using the purchasing power of the Federal Government to reduce pharmaceutical prices to the levels that exist in other industrialized nations.

Lastly, by slowing the growth of health care costs, H.R. 676 would save $5 trillion over the next decade, thereby ensuring that the guarantee of affordable public health insurance will be there to be enjoyed by future generations.

And so for all of these reasons, H.R. 676 is one of my most important pieces of legislation in my way of thinking,