

**DIRECTOR OF SCIENCE POLICY REPORT**  
**WSWS Summer Board Meeting, July 17-18, 2009. Portland, OR**

**EPA- Clean Water Act (CWA) National Pollutant Discharge Elimination System Permits (NPDES)**

I have spent a lot of time this spring working to ensure that FIFRA remains the preeminent federal law for pesticide regulation that protects both people and the environment. The extensive research and science-based risk assessments required by FIFRA should not be jeopardized by politics (and it is). All the details are in the report titled “EPA Florida Aquatic Pesticide Tour” on the [WSSA website](#). Many thanks to Jill Schroeder (WSSA-EPA liaison) and Kurt Getsinger (APMS, Army Corp of Engineers) for their excellent work on this issue.

The CWA will have a huge impact on our discipline if CWA NPDES permits are required for pesticide applications “in, over, or near water”. **The citizen lawsuit provisions in the CWA (but not in FIFRA) will be an incredible economic burden on everyone.** In January, the 6th Circuit Court ruled that EPA’s final rule was not a reasonable interpretation of the CWA since the terms “chemical waste” and “biological materials” unambiguously include aquatic pesticides. The WSSA along with many other stakeholders (including USDA Secretary Vilsack, and House and Senate Ag Committees) asked EPA to petition for a full court rehearing. In April, Industry asked for the full 6<sup>th</sup> Circuit Court to rehear the case, but EPA only asked for 2 year stay to implement an NPDES permit system for pesticides applied “in, over, or near water”.

There are currently 3 major avenues being pursued to **ensure that pesticides applied in accordance with FIFRA are exempt from any CWA regulation:**

- **Judiciary Branch-** Industry (Crop Life, National Cotton Council, etc..) appeal in full 6th Circuit Court is still pending. Supreme Court?
- **Legislative Branch-** Congress could provide exemption of pesticides in compliance with FIFRA from CWA. The Baucus amendment to Senate bill 787 (which broadens the scope of CWA jurisdiction) did not do that.
- **Executive Branch-** EPA has until **April 9, 2011** to implement an NPDES permit system for all pesticides applied in, over, or near water.

EPA plans to release a draft version of an **NPDES general permit** for public comment by April 2010. States will be required to do their own permitting, but EPA would not object to “plagiarism” of its general permit. State general permits must be approved by EPA prior to April 9, 2011.

An NPDES General Permit will allow an applicator to perform certain activities (mosquito control, aquatic weed control, etc.). Applicators would need to **file a ‘notice of intent’ (NOI)** that would be good for 5 years (still discussing timeframe). The NOI is intended to be a simple 1 to 2 or 3 page form with name, address, application type, discharge area, etc. Applications should be able to be made within 2 days to a week of NOI submission. EPA does not believe that individual NOI’s should be made available to the public, although general permits could be made public.

**National Invasive SPECIES Awareness Week (NISAW): January 10-14, 2010**

The WSSA will lead the NISAW-organizing effort, assisted by the Center for Invasive Plant Management. Janet Clark and myself will serve as co-chairs. This is the next step for NIWAW and will be the first national ALL TAXA awareness effort in Washington D.C. The expanded coalition will focus on increased resources for invasive species management. Please note the CHANGE in dates from late February to mid January!

Current NISAW Planning Committee members:

Lee VanWychen, Chair – Weed Science Society of America  
Janet Clark, Coordinator – Center for Invasive Plant Management, Montana State University  
Rita Beard – National Park Service  
George Beck – Colorado State University / Health Habitats Coalition  
Peg Brady – National Oceanic & Atmospheric Administration / National Invasive Species Council / ANSTF  
Kurt Getsinger – US Army Corps of Engineers  
John Jachetta – Weed Science Society of America / Dow AgroSciences  
John Madsen – GeoResources Institute, Mississippi State University  
Bob Parsons – North American Weed Management Association  
Vanelle Peterson – Dow AgroSciences  
Jamie Reaser – Pet Industry Joint Advisory Council  
Beth Strobridge – National Governors Association  
(To be decided) – Association of Fish & Wildlife Agencies

#### **APHIS/EPA Grant for Herbicide Resistance White Paper**

Bill Vencill, Carol Mallory-Smith, Bill Johnson, Nilda Burgos, Ted Webster, and Bob Nichols have been working on a “state of the science” review paper on the development of herbicide-resistant weeds and weed shifts that are linked to the introduction of GE herbicide-tolerant corn, soybeans, wheat, rice, cotton, alfalfa and switchgrass. They will assemble a final draft at the WSSA summer board meeting on July 24-25, 2009 with the goal of final “open access” publication in *Weed Science* by late October 2009.

#### **Doubling Campaign for USDA-AFRI grants**

I have been working with several research coalitions (National C-FAR, CoFarm) to double the AFRI grants (old NRI) over the next 5 years. Funding was \$193M in FY 2008 and \$201M in FY 2009. Our ag research coalition group is pushing Congress for \$250 million in FY 2010 (exclusive of any Section 406 Program funding), with a goal of \$500 million in total funding by FY 2015. We were very happy with the Senate ag appropriations bill passed last week that funds AFRI at **\$295 million in FY 2010**. The House ag approps bill funds AFRI at \$213 million. The difference will be worked out in conference.

#### **USDA-ARS National Program Leader for Weed Science**

Three candidates were interviewed in January 2009. In March, ARS said the candidate pool was “not diverse enough”, and subsequently re-posted the position. Applications were due May 22, 2009 for the “second” round. They will be vetting those applicants this fall.