

In June 2009, the United States Environmental Protection Agency (EPA) notified Bayer Environmental Science, a division of Bayer CropScience LP, of the 'Data Call In' to support the re-registration of Resmethrin (Bayer's Scourge® Insecticide).

Bayer is the sole registrant for Resmethrin products in the US for vector control and had originally planned to bear the cost of re-registration estimated to be \$1.4 million. However, EPA now requires a series of Endocrine Disruption tests to be added to the existing data generation protocols for Resmethrin. The estimated cost to complete the tier I endocrine disruption studies would raise the total support costs to re-register Resmethrin to approximately \$2.25 million. Additional 'tiers' (II, III, IV...) of endocrine disruption studies may be required to complete the re-registration. Each 'tier' of tests could potentially add \$1 million to the final cost of re-registration.

Bayer has notified EPA that it will drop support of the re-registration of Resmethrin due to business (cost justification) reasons. EPA has published the voluntary cancellation of Resmethrin in the Federal Register.

The notification of voluntary cancellation does NOT mean that Scourge® insecticide can no longer be applied now, or in the near future. FIFRA provides for a period of public comment followed by a defined phase-out period where canceled products that support public health efforts may be legally used.

The Public Comment Period will last for 180 days; all comments need to be submitted by November 15, 2010. During this period of time comments to EPA received from Mosquito Abatement Districts, the American Mosquito Control Association, and the US Centers for Disease Control and Prevention may influence EPA on deciding on maximizing the phase-out period for Resmethrin.

If you use Scourge®, please know that it will still be around for several years. Bayer can manufacture and sell to ADAPCO until December 31, 2012. ADAPCO can distribute and you can purchase the inventory that we have on hand indefinitely. We anticipate having a full supply of Scourge for at least the next four years. Your comments may very well help extend that time period even more.

Your comments are critically important to potentially prolong the phase-out period for Scourge®. Please submit your comments today, by either email or mail. Follow the notification's directions below for responding to EPA with your comments, and submit them before November 15, 2010.

Identified by docket identification (ID) number EPA-HQ-OPP-2010-0306, by one of the following methods:

Submit your comments by email:

Federal eRulemaking Portal:

<http://www.regulations.gov>

Follow the on-line instructions for submitting comments.

Submit your comments by mail:

Office of Pesticide Programs (OPP)

Regulatory Public Docket (7502P)

Environmental Protection Agency

1200 Pennsylvania Ave.

NW, Washington, DC 20460-0001

Surviving a Storm Surge

Galveston County sits on the southeastern edge of Texas on the Gulf of Mexico and hadn't suffered a direct hurricane hit since 1983...until Ike made landfall in September 2008. As it neared the Texas coast, Hurricane Ike became the largest Atlantic tropical cyclone in recorded history, measuring 900 miles in diameter. Ike made landfall at Galveston as a high Category 2 hurricane with 110 mph winds, and became the third costliest hurricane ever to make landfall in the U.S.

John Marshall, Director of Galveston County Mosquito Control District, recounts the days and weeks of Ike's aftermath. Immediately following the storm, Galveston Island was completely isolated but for government and disaster relief agencies. Electricity was out for close to a month. The University of Texas Medical Branch was shut down for more than 8 months. The airport was transformed into a disaster relief center, feeding hundreds of relief workers as well as displaced citizens who resided in a tent city for two and a half months.

Galveston County Mosquito Control District thought it was prepared for such a storm. Its hangar was built certified to withstand 200 mph winds, and sat eight feet above elevation. All intentions were to begin spraying as soon as any hurricane passed. However, Marshall claims they were caught off guard with the storm surge from Ike. "It was not the wind, but the wave action from Ike that caused the most damage. Ike came across the Gulf and pushed water in for about a week."



Houses in Galveston were lifted off their foundations and pushed into the Gulf. Ike ripped off both the front and back doors of the hangar, and flooded it with six feet of water, so the district's airplanes were left floating inside.

Marshall said, "We hadn't had surges like that in more than 100 years in Galveston. Our hangar was an island 14 hours before the storm even hit, and that's with it deliberately built eight feet above elevation in case a surge ever came through."

Galveston County Mosquito Control District began to clean out its hangar three weeks after the storm, removing four and a half inches of sand and seaweed from the floor. The district lost its twin engine Aztec, as well as parts and product including 800 gallons of malathion and 1,500 gallons of mineral oil that all floated into the Gulf. Fortunately, despite some wing and flight control damage, its single engine Pawnee could be salvaged, as the water steered clear of its engine.

The district contracted aerial spraying and larviciding to VCDI for four months in order to cover its 250 square mile territory,

and also received supplemental aerial spray support from the state of Texas. Finally, in August 2009, almost a year after Hurricane Ike, the district purchased a Dynamic Aviation King Air, subsidized in part by FEMA.

The King Air is part of the silver lining to this story. According to Marshall, Galveston County Mosquito Control District is actually better off post-Ike than it was before. While the previous aircraft, which was destroyed in the storm, limited the district to treating 9,000 acres a load, the King Air can handle almost three times that at 23,000 acres a load. The hangar was 15 years old and was in need of serious repair. The cleanup kept the district's full time staff of 13 busy all that winter, and the hangar's new facelift ultimately included a brand new roof, new electrical wiring, epoxy paint job, floors, and tougher hangar doors.

Even with the new and improved hangar, Marshall's not taking any chances with his King Air, "It will be flown out of the county if it looks like we're getting another direct strike. We won't trust it to our hangar."



NPDES...It's coming Soon

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On June 2nd, 2010 the U.S. Environmental Protection Agency (EPA) released a proposed pesticide general permit requirement that, in their words, is designed to decrease the amount of pesticides discharged to our nation's waters and protect human health and the environment. This action is in response to an April 9, 2009 Sixth Circuit court decision that found that pesticide discharges to U.S. waters were pollutants, thus requiring a National Pollutant Discharge Elimination System ("NPDES") permit.

The EPA proposed Pesticide General Permit ("PGP") currently covers the following pesticide uses: (1) mosquito and other flying insect pest control; (2) aquatic weed and algae control; (3) aquatic nuisance animal control; and (4) forest canopy pest control. EPA is soliciting public comment on whether additional use patterns should be covered by this general permit.

The permit, if enacted, may have far reaching consequences and should be taken seriously by all individuals, agencies or businesses that practice mosquito control. Non-compliance with the Clean Water Act can result in fines of up to \$37,500.00 a day. Complying with the permit requirements, such as developing a Pesticide Discharge Management Team, a Pest Management Area Description, and a Control Measure Description does not exempt the permit holders from outside interpretation that could result in citizen lawsuits. For example, mosquito control programs will be required to develop

procedures for determining the lowest effective amount of pesticide product per application and the optimum frequency of pesticide applications necessary to control the target pest. In addition, procedures for documenting any observed impacts to non-target organisms resulting from your pesticide discharge will be required. Both of these requirements are fairly standard but they are subject to broad interpretation and could very likely result in litigation to many mosquito control programs from anti-pesticide activists. It is extremely important to let EPA know these concerns and how they may impact the ability to control mosquitoes and protect the public.

EPA will be holding three public meetings, a public hearing, and a webcast to present the proposed requirements of the permit, the basis for those requirements and to answer questions. The EPA plans to broadcast the webcast on June 17, 2010, from 1:00 p.m. to 3:00 p.m. Eastern Standard Time (EST). If you were unable to see the webcast or attend any of the the meetings, you can still provide written comments. EPA will accept written comments on the draft permit for 45 days after publication in the Federal Register (through July 19th, 2010).

EPA intends to issue a final general permit by December 2010. Once finalized, the PGP will be implemented in the six states, territories, Indian Country lands and federal facilities where EPA is the NPDES permitting authority. In the other 44 states, the state NPDES authorities will issue the

permits. EPA has been working closely with these states to concurrently develop their permits. Currently two states, Washington and California, have developed or drafted their own NPDES permits. If you have not been working with your state to identify how they will comply with the current law, you need to do so immediately!

All permits will need to be in effect by April 9, 2011.

The AMCA currently believes it will take an act of Congress to legislatively clarify the distinction between public health pesticides and pollutants to allow mosquito control programs to deliver vital public health services, in a manner free from citizen lawsuits challenging the use of permitted pesticides, and free from excessive and unjustified regulatory burdens and costs. Until that happens, however, it is imperative that every mosquito control program work with their state NPDES authority to ensure they can still protect the constituents they serve from mosquitoes while remaining in compliance with the Clean Water Act.

For more information, please contact David Brown, AMCA Legislative and Regulatory Chair. He can be reached at: dabrown@fightthebite.net