

Aquatic Mosquito Control General Permit

The Washington Department of Ecology (Ecology) is issuing a draft Aquatic Mosquito Control General Permit for public comment. This permit would allow the use of larvicides and adulticides for controlling mosquitoes in Washington State.

This permit is an important tool to protect public health and the environment by allowing chemical control of mosquito populations in state waters. Mosquitoes transmit diseases that can make people sick, including West Nile virus. West Nile virus is a bird disease that is spread by infected mosquitoes that bite people, birds and other animals, according to the state Department of Health.

Ecology worked with an advisory group in updating the proposed permit. Some in the advisory group are current permittees; others work in human health and state regulatory fields. The advisory group helped Ecology develop a new permit that strikes a balance between federal and state statutory requirements, and environmental and human health needs.

Providing comments

The application for coverage, draft permit, and draft fact sheet explaining the legal and technical basis for the permit are available for comment at www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/mosquito/mosquito_index.html.

The public comment period begins February 3, 2010, and closes at 5 p.m. on March 10, 2010.

Ecology will accept written comments on the draft documents and would prefer to receive them by email. Email comments must include the commenter's name and postal address. Ecology will also accept oral comments during the public hearing. See details about submitting comments in the column at right.

What happens next?

After the public comment period closes, Ecology will summarize and respond to comments. These comments may result in Ecology revising some of the permit language and requirements. Ecology will send an official response to comments to all parties that comment on the permit. It will also be included as Appendix C in the final fact sheet.

Ecology anticipates issuing a final permit by the end of May 2010.

PUBLIC HEARING AND WORKSHOP

MOSES LAKE

March 9, 2010

1 p.m.

Moses Lake Fire Department
701 E. Third Ave.



Send comments to:

Jon Jennings
Mosquito Control Permit
Comments
Washington State Department of
Ecology
Water Quality Program
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Special accommodations

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Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Background information

Prior to 2001, Ecology regulated the use of aquatic pesticides through issuing administrative orders to licensed applicators of aquatic pesticides. Ecology has used pollution control (NPDES) permits to regulate aquatic pesticide application and protect water quality since 2002. This change occurred after the Ninth Circuit Court of Appeals ruled in the *Headwaters Inc. v. Talent Irrigation District* that the use of a pesticide according to its federal label (Federal Insecticide, Fungicide, and Rodenticide Act or FIFRA) did not exempt the pesticide applicator from Clean Water Act permitting. As a result of this court decision, Ecology began to develop a series of general and individual permits geared towards the application of pesticides in or around water.

The U.S. Environmental Protection Agency issued a rule in November 2006 that pesticides applied according to the FIFRA label are not pollutants under the federal Clean Water Act and are not subject to NPDES permitting. In 2007, Ecology decided to continue using NPDES permits to control the use of aquatic pesticides in and around Washington waters awaiting a ruling from the Sixth Circuit Court (National Cotton Council et al. v. EPA) about the EPA rule. The Sixth Circuit Court ruled that pesticides and their residues are pollutants under the Clean Water Act and subject to NPDES permitting. EPA is currently developing permits for aquatic pesticide use.

What's new about Ecology's proposed permit

Ecology's proposed aquatic mosquito control permit continues to allow the use of larvicides that kill mosquito eggs and pupa. The larvicides remain the same in the proposed permit. The new, proposed permit would also allow the use of products that kill adult mosquitoes in and around water, known as "adulticides." Adulticides would be allowed only when vector mosquitoes are present and human health is at risk. Vector mosquitoes are mosquitoes that transmit disease. The adulticides included in the 2010 proposed permit are:

Natural pyrethrins, pyrethroids, permethrin, resmethrin, sumithrin (d-phenothrin), piperonyl butoxide, and naled. Naled is an organophosphate pesticide for emergency use only.

Natural pyrethrins and the pyrethroids have a lower risk to humans and other mammals, but pose a high risk to aquatic organisms and non-target insects. By following the proposed permit's best management practices and FIFRA label requirements, the permittees will be minimizing the risk to aquatic organisms and non-target insects while still being able to control vector mosquitoes when they present a human health threat.

The proposed permit allows the application of adulticides using ultra-low volume techniques that minimize the amount of pesticide applied to ounces per acre. This still provides effective control of vector mosquitoes. Applications would occur when mosquitoes are most active, which is two hours after sunset until two hours before sunrise. This method minimizes risk to people and beneficial insects, such as honeybees.

Control of vector mosquitoes is based on an integrated pest management strategy. The strategy determines the best location for control based on surveillance, mosquito disease testing, environmental monitoring, and source control. Ideally, most vector mosquito populations can be kept under control using mostly larvicides.