

Proposed Aquatic Mosquito Control General Permit

Q: Why is the Department of Ecology (Ecology) revising this permit?

A: The current mosquito control permit only authorizes the use of pesticides to control mosquito larva in water, it does not allow getting pesticides in water to control adult mosquitoes that carry diseases such as West Nile virus. This means it is currently illegal to have any incidental discharge of pesticides to water when controlling adult mosquitoes. This will remain illegal until the state can issue a new permit that addresses the use of pesticides to control adult mosquitoes. With this new, proposed permit, Ecology is seeking to provide legal authority to control disease-carrying adult mosquitoes (vector mosquitoes) in Washington to protect human health.

Q: Who uses the mosquito control permit?

A: Mosquito control districts, commercial applicators, local governments, and any entity that discharges pesticides into water to control mosquitoes.

Q: Will the new permit allow the control of nuisance mosquitoes?

A: Yes, as long as pesticides do not get into surface water. In addition, the proposed permit will continue to cover the use of larvicides to kill mosquito larvae, which is the most effective way to control mosquitoes.

Q: Who needs coverage under the mosquito control permit?

A: A public or private entity needs permit coverage if it expects to discharge pesticides into surface water to control juvenile or adult mosquitoes. If the pesticides are applied in a way that they don't get into surface waters, a permit is not required.



WHY IT MATTERS

Aquatic pesticide permits provide important public health and environmental benefits. They allow the discharge of pollutants for beneficial uses such as controlling mosquitoes carrying West Nile virus.

Insecticides that target disease-carrying adult mosquitoes are toxic to aquatic animals. They are extremely toxic to fish and other aquatic organisms, including mayflies, caddisflies and other important invertebrates in aquatic food webs. They can harm threatened and endangered salmon.

Send comments about the proposed permit to:

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Comment
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Deadline for comments is 5 p.m., March 17.

Q: Why is a permit required?

A: Under the federal Clean Water Act (CWA), a discharge permit is required to discharge pollutants to surface waters. The Ninth Circuit Court ruled that the discharge of pesticides or pesticide residues to surface waters requires a CWA discharge permit. The Sixth Circuit Court has since upheld the Ninth Circuit Court decision.

Q: Why can't you just follow the pesticide label instead of having to be under this permit?

A: A pesticide label is not a substitute for an NPDES permit. This means any incidental discharge of pesticides to water when spraying for adult mosquitoes is currently illegal, even when protecting human health from disease. The only way that getting spray into surface water is legal is with an NPDES permit. Without a permit, getting spray into surface water also leaves the spraying entity at risk of third party lawsuit under the federal Clean Water Act, which can carry penalties of up to \$38,000 per violation.

Q: What are the major differences in the current permit and the new, proposed permit?

A: The current permit:

- Covers larvicides only.
- Does not cover the use of any pesticides for killing adult mosquitoes.
- The Washington Department of Health is the permit holder.

The proposed permit:

- Covers larvicides.
- Covers the use of pesticides to kill disease carrying adult mosquitoes for vector control.
- Makes mosquito control entities the permit holders.

Q: What is the timeline to develop the new permit?

A: After the public comment period closes at 5 p.m. March 17, Ecology will review and respond to all comments, and then it will issue a final permit. Ecology expects to issue the new permit by mid June.

For more information:

Ecology's website for Draft Aquatic Mosquito Permit:

www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/mosquito/mosquito_index.html

Washington Department of Health website for West Nile virus:

www.doh.wa.gov/ehp/ts/Zoo/WNV/WNV.html

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