



NEWS RELEASE

For Immediate Release:
January 7, 2009

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Conservationists Win Decision Protecting Local Water Supplies, Fisheries & Wildlife Court Vacates Bush Rule Exempting Pesticide Application From Clean Water Act Protections.

Cincinnati, Ohio - In yet another in a long list stinging defeats for the Bush's Environmental Protection Agency, the 6th Circuit Court of Appeals today issued a clear rebuke against the administration's 2006 rule which exempted certain commercial pesticide applications from the oversight provided by Congress under the Clean Water Act. The Court held that pesticide residuals and biological pesticides constitute pollutants under federal law and therefore must be regulated under the Clean Water Act in order to minimize the impact to human health and the environment.

Several manufacturers and industry associations had joined the case to try to broaden the Environmental Protection Agency's 2006 exemption. The Court told them in no uncertain terms that their products are harmful to human health and the environment, and therefore EPA must regulate applications under the Clean Water Act.

With this decision, virtually all commercial pesticide application to, over and around waterways will now require National Pollutant Discharge Elimination System (NPDES) permits. The NPDES permits will allow for local citizen input, and provide for accountability and oversight. The permits will also require the regulatory agencies to evaluate effects on fish and wildlife from individual applications and require monitoring to know exactly how much of a pesticide application remains in our nation's waters and the cumulative impact this residual effect has on aquatic organisms.

"The decision today is a victory for clean water, fish and wildlife" declared Charlie Tebbutt, Western Environmental Law Center attorney and lead counsel for the environmental organizations and organic farms that challenged the rule. "Furthermore, this decision is another in a long line of rebukes to the Bush administration policies that overstepped their statutory authority and to the chemical manufacturers who peddle their poisons without concern to the effect on human health and the environment. We look forward to working with the new EPA to protect the environment rather than the chemical industry," continued Tebbutt.

"We're thrilled by the court's decision - particularly in providing clarity on the aerial applications of pesticides over navigable waters for mosquito control," stated Peconic Baykeeper Kevin McAllister. "It's well recognized that many pesticides can pose a significant threat to aquatic life. Ensuring that the required discharge permits have been obtained provides for greater protection of our water resources."

"Time and again during these past eight years EPA has walked into federal courts and tried to defend absolutely indefensible rules like the one vacated today," said Waterkeeper Alliance Legal Director Scott Edwards. "And time and again they've been sent back to the drawing board to rewrite these unlawful rules. Hopefully, EPA's days of pandering to industry and other polluters and wasting taxpayers dollars in illegal rulemaking are drawing to a welcome close."

"This is a significant victory for our nation's waters. More than 8 million pounds of pesticides are applied each year in the Bay Area alone," said Sejal Choksi, Program Director for San Francisco Baykeeper. "These toxic chemicals enter our creeks harming numerous species of fish, frog and other aquatic life and will now be regulated under the Clean Water Act."

"Pesticides have been documented as the most pervasive group of toxic pollutants in our waterways. This decision is a significant step forward in protecting and restoring our seriously degraded fisheries," said Bill Jennings, Chairman and Executive Director of the California Sportfishing Protection Alliance.

"When it comes to toxic pesticides and their effects on our rivers and salmon, we need to be certain that good science is being used and those resources are protected. This ruling is a victory for clean water and fish, and a victory for Americans who care about healthy rivers and streams," concurred Steve Pedery, Oregon Wild Conservation Director.

The organizations bringing the case include Baykeeper, National Center for Conservation Science and Policy, Oregon Wild, Saint John's Organic Farm, Californians for Alternatives to Toxics, California Sportfishing Protection Alliance, Waterkeeper Alliance, Environment Maine, Toxics Action Center, Peconic Baykeeper and Soundkeeper.

The organizations are represented by the Western Environmental Law Center, the National Environmental Law Center, the Pace Environmental Litigation Clinic and the Columbia Environmental Law Clinic and Waterkeeper Alliance.

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