



WSSA Comments on the NPDES Pesticide General Permit

July 15, 2010

Water Docket
U.S. Environmental Protection Agency
Mail Code : 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention : EPA Water Docket ID No. EPA-HQ-OW-2010-0257

WSSA and Its Membership – The Weed Science Society of America (WSSA), and its affiliate societies (Aquatic Plant Management Society, North Central Weed Science Society, Northeastern Weed Science Society, Southern Weed Science Society, and Western Society of Weed Science) are dedicated to fostering an awareness of weeds and their impact on our environment. We provide science-based information to the public and government policymakers while promoting research, education, and outreach activities. Founded in 1956 as a nonprofit professional organization, WSSA and our affiliate societies have approximately 3,500 members from around the world. Members include academic, governmental, and private industry research scientists, students and educators, extension educators, and federal, state, county, and private land managers. As such, the US Environmental Protection Agency's (EPA) proposed pesticide NPDES general permit is very significant to our members. We appreciate the opportunity to comment on it.

Context of our Comments – Congress enacted the Clean Water Act (CWA) more than 30 years ago, adding and later updating the National Pollutant Discharge Elimination System (NPDES) permitting program several times since then. In the decades that EPA has administered the CWA, the Agency has never issued an NPDES permit for the application of a pesticide to target a pest that is present in or over, including near, the water where such application results in a discharge to waters of the United States (US). Instead, EPA has been effectively regulating these types of applications through the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for nearly 40 years. The FIFRA registration process includes requirements for years of environmental, health and safety studies to establish the conditions under which pesticides can be legally used in the US. Some of these registered pesticide uses are for pest control under aquatic conditions. The many scientific studies completed by WSSA members have contributed to the wealth of knowledge assembled on commercial pesticides and about their use in agricultural and non-agricultural pest control.

In 2006, EPA finalized a rule codifying the Agency's long-held exemption from NPDES permitting of pesticides applied into, over or near waters of the US when made consistent with the FIFRA label. However, this rule was challenged and in February 2009, the 6th Circuit Court of Appeals vacated EPA's rule, declared "pollutants" all biological pesticides and excess chemical pesticide residues persisting in water after completion of beneficial uses, and required the development of a pesticide NPDES permitting program. Industry appeals to the 6th Circuit *en banc* and the US Supreme Court were denied. Overall, this decision marks a partial pre-emption of FIFRA by the CWA, layering numerous and burdensome requirements on legally-registered products that have wide value in society and exposing applicators and decision makers ("operators") to extensive legal jeopardy through citizen suits and agency actions. In many states

pesticide enforcement may fall under two agencies, duplicating the financial burden to the state. Without careful design and execution, the implementation of this pesticide NPDES general permit could have significant unintended consequences. Our comments are designed to provide EPA with expert insight into various aspects of the permit.

Comments

Meeting the Court's Timeline for Permit Issuance – On June 4, 2010, EPA released its draft pesticide NPDES general permit, and intends to finalize the permit in December 2010, about three months before the April 9, 2011 deadline established by the 6th Circuit. This deadline applies not only to the 6 states, most territories and certain other areas covered by EPA's general permit, but also to 44 other states that will be required to either adopt/adapt EPA's permit or develop their own NPDES general permits. Concerns have been expressed by state officials that they do not have sufficient time to complete their NPDES permits before the 2011 deadline. We share that concern, and believe a national regulatory change of this magnitude should not force-fit into a 2-year period. When the 2-year stay ends and the protections of EPA's 2006 rule are vacated, tens of thousands of pesticide applicators and operators will be unnecessarily exposed to legal jeopardy and other critical pesticide applications curtailed. These curtailments will most likely impact the production of food and fiber, and the protection of wild lands and aquatic ecosystems from invasive plants. Subsequent to this situation, there may be a large economic burden on individuals, businesses, and government agencies. **We urge EPA to inform the Court now that there is a likelihood of this occurrence in 2011, and should seek a commitment from the Court for a further extension should it appear in early 2011 that the April 9 deadline will not be met.**

Pesticide application rate selection: WSSA agrees with EPA that, consistent with reducing the potential for development of pest resistance, growers should use the lowest effective amount of pesticide product per application at the optimum frequency necessary to control the target pest. Please recognize that a very substantial amount of work is conducted by the industry and third-party researchers to establish efficacious rates for pesticide products prior to registration; these rate recommendations are tested and further refined within each state's Agricultural Extensions Service function through the Land-Grant and State University System and specific rate recommendations are published at the state level for each product on each pest of interest. Extension recommendations are virtually always integrated into product labeling in a continuous iterative process. Agricultural Extension recommendations are always made for the lowest practical rate of a pesticide product and for use within an Integrated Pest Management system. **The EPA's application rate objectives can be best met by directing the applicator to follow the prescriptive label, rather than requiring research-based judgments the applicator is unqualified to make.** The NPDES process was designed to reduce negative impacts from the effluents of manufacturing plants and other sources and very useful for that process; however the application of this process to pesticide applications is inappropriate because it does not reflect the fact that (1) pesticides are *intended* to be carefully and properly released into the environment to mitigate pest impacts, protect the environment, food and fiber and human health, and (2) because pesticides are expressly designed and tested under strict EPA standards so that their proper use will not cause harm, or that any adverse effects are temporary and acceptable. This contrasts sharply with typical "wastes" that are by-products of manufacturing or other processing operations and that are usually released from pipelines mainly for convenience of the operation and operators that generate them.

We also note that in Section 5.1.4.1, pertaining to Control Measures Used to Comply with the Effluent Limitations in Part 2.1.1, EPA states that, consistent with reducing the potential for development of pest resistance, 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 must be documented in the Pesticide Discharge Management Plan (PDMP). **The only procedure that the Agency should promote is the application of pesticide products per their label instructions for the applicators pest control objectives.**

The EPA correctly notes in the NPDES Pesticide General Permit (PGP) Fact Sheet (page 34) that application to a limited treatment area and rotation of pesticides with differing modes-of-action are useful resistance management techniques. However, the Agency **is incorrect that reduced rates are effective for resistance prevention.** If a grower employs suboptimal rates, there will be a population shift towards weeds that are less sensitive (hard to control species), as weeds only slightly resistant to the pesticide product will be allowed to go to seed. This situation can also lead to resistance based on metabolism; in this case, resistance may be based on the enhanced activity of one or more metabolizing enzymes that may detoxify several families of herbicides, leading to the difficult situation of multiple resistances. The EPA should require the NPDES permit holder to follow the science-based experimentally validated label and not recreate untested use directions on their own. **WSSA and our affiliated Societies strongly emphasize this point, the use of a pesticide product at less than its label specified rates will cause population shifts to more difficult to control species and likely cause resistance.**

Adoption of EPA's Permit by States to Protect "Waters of the State:" We understand the EPA general permit is intended to reduce and/or eliminate pesticide discharges to waters of the US to comply with the NPDES provisions of the CWA. It will cover several different pesticide

application types made to, over or near waters of the US within NH, NM, MA, OK, ID, AK and certain other areas. It will likely also form a model for NPDES permit development by the other 44 other states. The Clean Water Act's NPDES program is designed to protect navigable waters of the US, and we are concerned that in the process of approving state NPDES permits EPA does not provide CWA protections (including citizen suit provisions) to waters that do not qualify as waters of the US and would not otherwise have such protections under state law. The EPA anticipates that 90% of the pest control activities will occur in areas covered under state-issued NPDES permits. To the extent EPA has influence on the scope of the 44 delegated states' NPDES permits, we urge EPA to ensure the requirements of their NPDES permits are limited to activities related to pesticide applications to, over or near waters of the US.

Potential Coverage of Other Waters: The EPA states that this draft permit is available to operators who discharge to, over or near "waters of the US" from the application of biological pesticides or chemical pesticides that leave a residue when the pesticide application is for one of the following pesticide use patterns:

- a. Mosquito and other flying insect pest control (in or above "standing or flowing water");
- b. Aquatic weed and algae control (in "waters of the US" as well as "water's edge," including "irrigation ditches and/or irrigation canals");
- c. Aquatic nuisance animal control (in "water and at water's edge"); and
- d. Forest canopy pest control (where a portion of the pesticide will unavoidably be deposited to "water" below).

The EPA also asks if additional pesticide use patterns should be included in the general permit, and highlights the potential CWA legal jeopardy of such users by stating: “*Any point source discharge of pollutants to waters of the United States not covered by this or another general permit will need coverage under an individual permit.*” (75 Fed Reg 107:31783 (June 4, 2010)).

Increased jurisdictional clarity would help others determine if their pesticide use(s)

warrant inclusion under this general NPDES permit. For example, in addition to coverage of pesticide applications under these four permit use patterns to, over or near “*waters of the US*” (as defined at 40 CFR 122.2) as well as “*water’s edge including irrigation ditches and canals,*” it appears EPA may also intend to extend coverage and regulatory requirements to pesticide applications made to many other water “*conveyances with a hydrologic surface connection to waters of the US at the time of pesticide application.*” The EPA instructs operators to include in their annual treated-area calculations those applications made to, over or near such conveyances when determining if they exceed EPA thresholds for Notice of Intent (NOI) submissions and various permit requirements triggered by NOI submission. **We wonder if EPA intends to apply the jurisdictional determinations of its 2008 guidance¹ with the Corps of Engineers regarding interpretation of *United States v. Rapanos*² to the potential regulation of such conveyances under this general NPDES permit.** Under that guidance, the agencies segregated various “waters” into three categories: “jurisdictional, possibly jurisdictional, and not jurisdictional.” Significantly, this latter category includes swales and erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow) and ditches (including roadside ditches excavated wholly in and draining only uplands and that do

¹ http://www.usace.army.mil/CECW/Documents/cecwo/reg/cwa_guide/cwa_juris_2dec08.pdf

² 547 U.S. 715, 126 S. Ct. 2208 (2006)

not carry a relatively permanent flow of water) common to residential, recreational, agricultural, horticultural, silvicultural and other pesticide uses currently not covered by this general permit.

Outstanding National Resources (ONR) Water (Tier 3): In section 1.1.2.2, EPA states that one is not eligible for coverage under the PGP from a pesticide application to waters designated by a State, Territory, or Tribe as an ONR (Tier 3) Water because of antidegradation directives under 40 CFR 131.12(a)(3). As stated, **this would make invasive weed control in our national forest and parklands prohibitively expensive** by requiring an Individual Permit for invasive weed management in the riparian areas of our most pristine lands, thus assuring their degradation. Additionally, this requires our national parks and forests to spend their limited resources and years of effort in the procurement of individual permits. The WSSA considers this approach to be counter-intuitive, as it assumes that no environmental degradation will result if the invasive weed management product is not used. That assumption is not valid when assessing those herbicides designed for invasive and noxious weed control. Invasive plant species represent a form of biological pollution that clearly and rapidly disrupts the function of ecosystems on a landscape scale and as such alterations multiply, what were once unique regional characteristics resulting from thousands of years of natural selection blur and decades of conservation achievements are lost. The risk assessment premise for exotic invasive plant species must consider the invasive plant as biological pollution and assess the use of the product against sure ecosystem degradation if no action is taken. We urgently recommend that aquatic and riparian invasive weed management actions taken by recognized weed management organizations in our national parks, forests and wildlife refuges be included in the PGP; this is the only true application of an antidegradation directive.

NOI Thresholds: The EPA officials have frequently stated the agency’s intent to set NOI thresholds at levels that would capture only the largest operators – approximately 10% of the total – responsible for discharges under these four pesticide use patterns³. However, some of the NOI thresholds at Part 1.2.2 of the permit are low enough that they could capture the annual total pesticide research and development (R&D) applications of major universities, experimental stations, pesticide manufacturers, government agencies or other R&D entities engaged in expert scientific research. The WSSA believes that applications solely for the purpose of “*pesticide research and development*” (R&D), as defined in Appendix A, **should be automatically covered by this permit and not be required to submit an NOI.**

Co-Permitting – Operators covered by the general permit are defined as any entity involved in the application of a pesticide. Those entities could be the actual applicator or an entity with control over the financing or the decision to perform the application. The EPA suggests that the responsibility for complying with the requirements of the permit could be shared between these entities, with a decision-making body responsible for much of the assessment, recordkeeping and reporting, and the pesticide applicator responsible for properly maintaining, calibrating and using the application equipment. Under such a co-permit, the draft general permit would cover “*the operator who filed the NOI, including its employees, contractors, subcontractors, and other agents, for all activities identified on the NOI for the duration of the permit...*” (p.2). Coupling these entities under jointly shared co-permits, however, would also cause them to share significant legal responsibility (“...[A]ny and all operators covered under this permit are still responsible, jointly and severally, for any violation that may occur.” (p.12, FS). This creates legal pros and cons. On the one hand, performance contracts set by decision-making operators

³ For example, Linda Boornasian, EPA Office of Water, June 9, 2010

(government agencies or private/corporate organizations) provide legally-binding instructions to subcontractors about which pesticide(s) to apply, the application rate, where and when to apply the pesticide(s), and other pertinent information; thus there may be some logic to linking these entities under one permit. On the other hand, large operators may hire many different independent contractors during the year for various use categories to help complete their pest control activities, creating a pooled liability risk larger than any single subcontractor can tolerate. Whether a co-permit is chosen or not could also have a significant effect on a given operator's relative burden under the permit. We believe that co-permitting and liability sharing for pesticide applications between operators is a complex matter that will vary widely in its appropriateness across pesticide-use situations. **It should not be mandated for all circumstances under this permit.**

Basic Technology-Based Effluent Limits – **The WSSA supports EPA's determination that numeric technology-based effluent limitations in Part 2 are not feasible for pesticide NPDES permits** (p.29, FS) because (a) the permit regulates pesticide residues (*“excess pesticide present outside the treatment area or within the treatment area once the pesticide is no longer serving its intended purpose”*) so the point in time or precise location in ambient water when a numeric effluent limitation would apply is unknown; (b) applications of pesticides are highly variable and from many different locations for which it would be difficult to establish a numeric limitation for each location; and (c) hundreds of active ingredients and thousands of pesticide products may be covered by this permit. Instead of numeric effluent limitations, EPA correctly concludes that the combination of pollution prevention approaches and structural management practices required in Parts 2.1 and 2.2 will provide the protections desired by the Agency.

Part 2.1 requirements take the form of control measures and best management practices (BMPs) or other activities that prudent operators implement to minimize discharges of pesticides to waters of the US. These control measures include the professional maintenance and operation of equipment and application of pesticides per the FIFRA label, their contracts, and in compliance with the Part 2.1 effluent limit of this permit. They: (a) carefully handle and store pesticide products to avoid leaks and spills; (b) promptly deal with spills following manufacturer recommendations; (c) comply with the FIFRA label requirements on products they are hired to apply; (d) properly mix and load pesticides into their aircraft; (e) properly rinse and recycle/dispose of empty pesticide containers; (f) properly clean their spraying system after application; (g) preventatively maintain those pesticide-application systems to avoid leaks; (h) calibrate their spraying systems so they apply the appropriate amount of pesticides; (i) properly identify and direct the application within the desired boundaries of the treatment area; (j) keep proper records of all regulated activities; and (k) timely communicate this information as required. Failure to complete these activities may constitute a violation of the permit.

The Integrated Pest Management requirements of Part 2.2 apply *“to any entity that is required to submit an NOI, as required in Part 1.2.2, including any pesticide applicator hired by such entity or any other employee, contractor, subcontractor or other agent.”* The WSSA believes that applications solely for the purpose of *“pesticide research and development”* (R&D), as defined in Appendix A, should not be required to implement Part 2.2. EPA states that such R&D pesticide applications must still implement Part 2.2 to the extent that its requirements do not compromise the research design. While this is likely sufficiently vague as to allow scientific research to proceed, **it still exposes scientists, extension workers, teachers, and product development engineers to potential legal jeopardy from citizen suits.** The WSSA urges EPA

to fully exempt scientific R&D efforts from the IPM requirements of Part 2.2 unless the purpose of the studies is in some manner related to evaluation of IPM methods or their relative effectiveness.

Expectations for Precision – As part of the proposed permit’s requirement to minimize pesticide discharges to waters of the US, EPA requires at Part 2.1.3 that pesticide application equipment must be calibrated to “...*ensure that the equipment’s rate of pesticide application ...deliver[s] the precise quantity of pesticide needed to achieve greatest efficacy against the target pest;*” (p.8, emphasis added). However, this same expectation is restated on page 34 of the Fact Sheet to read, “...*to deliver the appropriate quantity of pesticide needed...*” However, page 87 of the Fact Sheet states: “*EPA understands that the appropriate application rates are variable depending on the conditions, and expects permittees to use their best professional judgment in combination with the label requirements in determining the appropriate amount of product needed to optimize efficacy of treatment.*” These different requirements are conflicting and, furthermore, it is an unachievable expectation for “precise” calibration and delivery as an enforceable effluent limitation. The WSSA urges EPA to modify Part 2.1.3 and related statements wherever they occur in the Permit and Fact Sheet to read, “*You must maintain, calibrate and operate the pesticide application equipment so that the appropriate quantity of pesticide is delivered to best control the target pest, consistent with the FIFRA label, manufacturers’ specifications for equipment precision, weather conditions on the day of application, and best professional judgment to minimize pesticide discharges to waters of the US.*”

Water Quality-based Effluent Limitations (WQBELs) – The WSSA agrees with EPA that technology-based effluent limits described in Part 2 of the permit are as stringent as necessary to

meet federal and state water quality standards, and that the Agency's narrative statement in Part 3 of the permit addressing WQBELs is appropriate (p.71, FS). The EPA's conclusion not to require water quality-based effluent limitations is correctly reasoned and based on the cumulative effect of the following factors: (a) compliance with the FIFRA label is assumed; (b) national-scale monitoring has demonstrated that most pesticide detections are below ambient water quality criteria or benchmarks; (c) for the small number of pesticides found in monitoring data to be present above such benchmarks, EPA and the registrants have imposed additional mitigation actions that are expected to reduce the levels of those pesticides in water; (d) the technology-based effluent limitations (BMPs) in Part 2 of the permit provide further protections beyond compliance with the FIFRA label; (e) the chemical-pesticide discharges covered by this permit are the residues after the pesticide has performed its intended purpose, and the residue will be no higher than, and usually lower than, the original concentration as applied; (f) the permit excludes applications to certain 303(d) and ONR waters; (g) states must certify that the permit will meet their WQBELs and may add further conditions to ensure that will occur; (h) any observed exceedance of WQBELs will trigger corrective action to ensure the situation is eliminated, and will not be repeated in the future; and (i) EPA may require additional control measures as part of a specific permittees' requirements, or require operators to apply for an individual or alternative NPDES permit. Furthermore, Title 40, CFR 122.44(k)(3) allows water quality-based effluent limitations to be implemented through BMPs if numeric effluent limits are infeasible. This was the position adopted by California's Water Resources Control Board in its statewide NPDES permit for aquatic weed control.⁴ It is *infeasible* to establish numeric effluent limitations for pesticide general permits because: (1) the regulated discharge is excess products and residues remaining after the effective period of beneficial use resulting from the pesticide application, but

⁴ California SWRCB. 2004. Water Quality Order No. 2004-0009-DWQ. Pp 9-11.

at what point the pesticide becomes a waste or residue is not precisely known and varies depending on many factors. Therefore, in the application of aquatic pesticides, the exact effluent is unknown; (2) it would be impractical to treat the numerous short-duration intermittent pesticide releases to surface waters from many different locations; and (3) treatment in many cases may render the pesticide useless for aquatic pest control.

Monitoring Requirements – The EPA requested comment on the value, feasibility and safety of visual monitoring during application and of post-application surveillance under Part 4 of the permit. The WSSA agrees that it is critical to monitor the integrity of application equipment by calibrating, cleaning, and repairing equipment on a regular basis to reduce the potential for leaks, spills, and unintended/accidental release of pesticides to waters of the US. (p.14); this is the applicators' responsibility. However, all permittees must monitor the amount of pesticide applied to ensure that the lowest amount needed to effectively control the pest is used, "...*depending on conditions...*" (p.87, FS), and balancing pest control application rates with the need for efficacy and the avoidance of pesticide resistance development. We also agree with EPA's determination that requirements for visual monitoring during pesticide application would not apply to applications made at night or when the applicator is the driver of aircraft, watercraft or vehicular pesticide applications (p.87, FS). We agree with EPA's requirement that all operators conduct spot checks in the area to and around where pesticides are applied for possible and observable adverse incidents (a) during any post-application surveillance or efficacy check that the operator chooses to conduct; and (b) during any pesticide application, when considerations for safety and feasibility allow.

The EPA states (75 Fed Reg 107:31784 (June 4, 2010)) that it is considering requiring the largest applicators provide ambient sampling data and asks for comments relative to this. The largest

operators are generally state or federal forestry, water management, or health (e.g., mosquito control) agencies, and other parts of these agencies likely already conduct ambient monitoring for both water quality research and CWA compliance. **The EPA should explore efficiencies already present within such operators before requiring additional ambient sampling.**

Pesticide Discharge Management Plan – The EPA states that a PDMP is required of any operator required to submit an NOI, that it is to be kept at the address on the NOI, and that it is a permit violation not to have a PDMP or keep it up to date. At Part 5.1 EPA lists the necessary elements of a PDMP. WSSA views the PDMP as documentation of methods and control measures used to implement the effluent limitations in Parts 2 and 3 of the permit. PDMPs will represent a preventative maintenance plan as well as emergency response plan, and include documentation of procedures, practices, spray logs, and other documentation to support compliance with this permit and eligibility considerations under other federal, state and local laws. We recognize that the PDMP and all supporting documents (other than any properly asserted Confidential Business Information) must be readily available, upon request, to regulators. **The WSSA urges EPA not to make copies of PDMPs or other information related to compliance with this permit available to members of the public** (p.19), for we are concerned that anti-pesticide activists will use access to these PDMPs to search for potential “paper violations” and harass pesticide operators with citizen suits.

Adverse Incident Documentation: Part 6.4 of the permit requires permittees to identify, to the extent feasible, situations where adverse effects appear to have occurred in sites where pesticide applications have been made, and to take specific actions in response to identified adverse incidents that may have resulted from the permittee’s pesticide application. (p.96, FS). The WSSA agrees with EPA’s statement that “*some degree of detrimental impact to non-target*

species is to be expected and is acceptable during the course of normal pesticide treatment. EPA expects operators to use their best professional judgment in determining the extent to which non-target effects appear to be abnormal or indicative of an unforeseen problem associated with an application of pesticides.” (p.97, FS). The WSSA agrees with EPA that assessing and correcting adverse incidents may be complicated, and symptoms associated with adverse incidents are often vague or mimic other causes which may lead to incorrect diagnoses. We also agree that *“observation of these impacts does not necessarily imply that a pesticide has been misused or that there has been a permit violation or an instance of noncompliance.”* (p.97, FS). Permittees are required to provide oral notice to EPA within 24 hours and then follow-up with a written report within five days of becoming aware of the adverse incident. Failure to report such incidents is a permit violation. Reporting of adverse incidents should not be required under this permit if: (a) permittees are aware of facts clearly establishing that the adverse incident was not related to their pesticide application or that incident information received is clearly erroneous; (b) an adverse incident occurs to pests that are similar in kind to pests identified as potential targets on the FIFRA label; or (c) EPA notifies permittees that the reporting requirement has been waived for this incident or category of incidents. We believe it will be important for applicators to keep on-site their records of all visual inspections and determinations, even for these situations, as legal protection against citizens’ suits or EPA actions.

Recordkeeping and Annual Reporting – The recordkeeping and annual reporting required by EPA in Part 7 apply to any entity required to submit an NOI as well as any pesticide applicator hired by such entity to perform activities covered under this permit. Recordkeeping requirements identified in Part 7.2 (p.25) are to be kept by the NOI-filing organizations, although for-hire applicators must keep records at their business site of equipment maintenance and calibration.

All records are to be documented as soon as possible but no later than 14 days after completion of an activity, and kept for at least 3 years. The EPA requires all entities to submit an annual report to EPA if they are required to submit an NOI. The WSSA believes these requirements will delay research and add significantly to the cost of scientific studies – many of which are conducted on strict budgets provided by granting organizations or under Good Laboratory Practices (GLP) methods for FIFRA registration or product labels. Any potential benefit realized by EPA is significantly outweighed by the extra burden such recordkeeping and reporting adds to normal research practices and schedules. **The WSSA urges EPA to eliminate CWA recordkeeping and reporting requirements for public and private R&D organizations conducting scientific pesticide research for publication or product development.**

The WSSA and its affiliate societies: the Aquatic Plant Management Society, North Central Weed Science Society, Northeastern Weed Science Society, Southern Weed Science Society, and Western Society of Weed Science appreciate the opportunity to submit these comments on EPA's proposed NPDES PGP. The WSSA has long supported and contributed to the science based risk assessments for herbicides under FIFRA. We hope that NPDES permits will help increase the environmental safety of these herbicides, but not hinder the timely treatment of weeds and invasive plants or exacerbate their impact on managed and natural ecosystems. We look forward to our continued interactions with EPA and know that our members can help provide the best science to manage weeds and invasive plants in a timely, economical, and environmentally safe manner.

Sincerely,

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