

coalition of stakeholders that ranges from environmental and public health groups to large and small industrial organizations.

It has the support of the National Association of Manufacturers, the Chamber of Commerce, the American Cleaning Institute, the National Association of Chemical Distributors, the Society of Chemical Manufacturers & Affiliates, and the American Chemistry Council. There is a list of 143 different groups that have come out in support of this bill. It is worthy of our support as well.

I want to thank the staff who worked very hard to get us here today: Chris Sarley, in my office; Dave McCarthy; Jerry Couri; Tina Richards; our head chief of staff of the committee, Gary Andres; along with, of course, Chairman FRED UPTON, who allowed all of these people to be at our disposal to get this work done.

Mr. Speaker, we have with us in the Chamber legislative counsel. These are the unknown heroes, the people who actually get the late phone calls, who try to help us figure out the language that we are trying to work with.

Tim Brown and Kakuti Lin are here. They have my gratitude and my thanks. In an era when we kind of question Federal employees and their commitment to excellence and work ethic, they are good examples of what people really do many times.

Thank you very much for your work.

I also want to give a nod to the great work done by the House Democratic staff. You are loyal adversaries, and I believe we will continue to be so, but we were able to do well in this process.

I thank the Senate Republicans on Mr. INHOFE's staff and the Senate Democrats' staff, from Senator UDALL's, Senator BOXER's, Senator MARKEY's, and Senator MERKLEY's offices, who all put in long hours and weekends for several months to get this multiyear effort done.

It has been a multiyear effort, starting since I became chairman of the committee. And you have seen GENE GREEN come down and DIANA DEGETTE, who worked diligently with me in the last Congress.

I also want to mention that the spiritual leader of this, kind of, was Bonnie Lautenberg, who I know called us numerous times. Behind every great man there is a greater woman. I think Bonnie Lautenberg kind of falls into that category, and I know she is very happy with our success today.

Mr. Speaker, as I said in my opening remarks, this bill is good for consumers, it is good for jobs, and it is good for the environment. It is imperative that we pass this bill and get it signed into law without delay.

This is graduation time throughout our country—a lot of commencement exercises—and we are always reminded that, really, “commencement” means beginning.

So even though we are kind of getting to the end of the legislative proc-

ess of the law, the real test will be the commencement by the EPA in our trying to enact this law and in seeing if it does everything that we say it will do.

It is our job on our committee to continue to do oversight to make sure that the things we think are doing well are doing well and that the things that need improvement we look at. You have my support in doing that oversight and overview of this new law as it moves forward.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 742, the previous question is ordered.

The question is on the motion to concur by the gentleman from Illinois (Mr. SHIMKUS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of today, further proceedings on this question will be postponed.

## ZIKA VECTOR CONTROL ACT

### GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 897.

The SPEAKER pro tempore (Mr. BROOKS of Alabama). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GIBBS. Mr. Speaker, pursuant to House Resolution 742, I call up the bill (H.R. 897) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 742, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-53 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 897

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Zika Vector Control Act”.*

### SEC. 2. USE OF AUTHORIZED PESTICIDES.

*Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:*

*“(5) USE OF AUTHORIZED PESTICIDES.—*

*“(A) IN GENERAL.—Except as provided in section 402(s) of the Federal Water Pollution Con-*

*trol Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.*

*“(B) SUNSET.—This paragraph shall cease to be effective on September 30, 2018.”.*

### SEC. 3. DISCHARGES OF PESTICIDES.

*Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:*

*“(s) DISCHARGES OF PESTICIDES.—*

*“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.*

*“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:*

*“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—*

*“(i) the discharge would not have occurred but for the violation; or*

*“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.*

*“(B) Stormwater discharges subject to regulation under subsection (p).*

*“(C) The following discharges subject to regulation under this section:*

*“(i) Manufacturing or industrial effluent.*

*“(ii) Treatment works effluent.*

*“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel bio-fouling prevention.*

*“(3) SUNSET.—This subsection shall cease to be effective on September 30, 2018.”.*

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Ohio (Mr. GIBBS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

It has been 1 year since the first alerts about the Zika virus were issued in Brazil. Since then, the virus has been spreading north.

Many nations to our south have spent the better part of that year in fighting to stop the spread of Zika. It has already affected Puerto Rico and other U.S. Territories as the virus spreads by contact between people.

So far, we have been fortunate to avoid any transmission of Zika by mosquitos inside the United States, but that might change soon. Last week the Director from the National Institutes of Health announced that mosquitos carrying the Zika virus could be arriving in the United States as soon as June.

The World Health Organization has declared Zika to be a worldwide health

emergency, and burdensome Federal regulation should not get in the way of addressing a potential emergency in the United States, especially since we have the ability to prevent the spread of mosquitos carrying the virus before they mature.

The Zika virus is a serious health threat to pregnant women. It can cause birth defects, like microcephaly and a paralyzing neurological condition. As of May 11, the CDC reported that there were 503 cases of Zika in the United States and 701 cases in U.S. Territories and 113 pregnant women were reported to have Zika.

Last week this body acted to send additional funds to the Department of Health and Human Services to fight the spread of Zika. We should be investing in research and development to find a treatment and a vaccine for Zika.

We also have the ability to make it easier for States and local governments to stop the spread of this mosquito-borne disease.

Unfortunately, a duplicative and unnecessary permitting regulation is making it more difficult for cities, municipalities, and mosquito control districts to spray for mosquitos.

Because of a bad court decision, time and money that should be spent on eradicating mosquitos will be spent on bureaucratic paperwork instead.

□ 1545

In 2011, a decision by the Sixth Circuit Court of Appeals in *The National Cotton Council of America v. United States Environmental Protection Agency* reversed 60 years of common-sense regulation by the Environmental Protection Agency and imposed national pollutant discharge elimination system permitting on pesticide use. That case upheld a 2006 Environmental Protection Agency rule that codified EPA's 35-year-long interpretation of the law.

The Federal Insecticide, Fungicide, and Rodenticide Act, also known as FIFRA, regulated pesticides for 60 years before the enactment of the Clean Water Act in 1972, and FIFRA regulated and improved pesticides for decades after the Clean Water Act.

EPA had, for over 80 years, held that the application of a pesticide for its intended purpose and in compliance with the results of FIFRA is not a discharge of a pollutant under the Clean Water Act, and, therefore, no NPDES permit is required, but the court decided otherwise.

In vacating the EPA's longstanding rule, the Sixth Circuit effectively legislated from the bench, negating reasonable agency interpretations of the law. The court undermined the traditional understanding of how the Clean Water Act interacts with other environmental statutes and expanded the scope of the Clean Water Act from the bench and pushed further regulation into areas and activities not originally intended by Congress or interpreted by the EPA.

As a result, Federal and State agencies are expending vital funds to initiate and maintain Clean Water Act permitting programs governing pesticide applications, and a wide range of public and private pesticide users face increased financial and administrative burdens in order to comply with the duplicative permitting process—but the NPDES permit and its cost comes with no additional environmental protection.

My colleagues across the aisle like to call this Groundhog Day, and I agree. We have seen previous public health emergencies that could have been prevented by the removal of the unnecessary NPDES permit. Despite this, many on the other side of the aisle continue to support this regulatory burden.

Last week, some of my colleagues circulated a letter that stated obtaining the NPDES permit was just a "modest notification and monitoring requirements," but the organizations that must apply for it tell a different story. NPDES compliance costs and fears of potentially devastating litigation associated with complying with the new NPDES requirements are forcing States, counties, and mosquito control districts and other pest control programs to reduce operations and re-direct resources in order to comply with the regulatory requirements.

I include in the RECORD this statement from the American Mosquito Control Association on the NPDES burden. This statement discusses many examples of this burden across the country, including how the local vector control managers in Oregon have explained repeatedly the negative impacts the permit is having on mosquito control.

#### AMERICAN MOSQUITO CONTROL ASSOCIATION STATEMENT ON NPDES BURDEN

From the perspective of the agencies charged with suppressing mosquitoes and other vectors of public health consequence, the NPDES burden is directly related to combatting Zika and other exotic viruses.

For over forty years and through both Democratic and Republican administrations, the EPA and states held that these permits did not apply to public health pesticide applications. However, activist lawsuits forced the EPA to require such permits even for the application of EPA-registered pesticides including mosquito control.

AMCA has testified numerous times to establish the burden created by this court ruling. The threat to the public health mission of America's mosquito control districts comes in two costly parts:

#### ONGOING COMPLIANCE COSTS

Though the activists contend that the NPDES permit has "modest notification and monitoring requirements" the experience of mosquito control districts is much different.

Initially obtaining and maintaining an NPDES comes at considerable expense. California vector control districts estimate that it has cost them \$3 million to conduct the necessary administration of these permits.

The Gem County Mosquito Abatement District in Idaho has testified that their staff spends three weeks per year tabulating and documenting seasonal pesticide applications associated with permit oversight. Addition-

ally, they have had to invest in a geographic information software program that cost 20% of the district's annual operating budget to maintain this information. That software has no other function than serving the unnecessary NPDES permit.

In Congressman DeFazio's district in Oregon, the local vector control managers have explained the negative impacts the permit was having on their districts. The managers of those districts have met with Rep. DeFazio's staff repeatedly in Washington D.C. over the past several years regarding the burden NPDES is having on mosquito control in Oregon.

The funds to operate districts like those in Oregon, California, Idaho and across the country come from taxpayers for the purpose of mosquito control, but are being diverted into this bureaucratic oversight function.

The fact that the existence of the permit has no additional environmental benefit (since pesticide applications are already governed by FIFRA) makes these taxpayer diversions from vector control unconscionable.

So why would the activist organizations be so adamant that these permits be mandatory for public health pesticide applications . . . ?

#### EXPOSURE TO ACTIVIST LITIGATION

. . . Because it leaves municipal mosquito control programs vulnerable to CWA citizen lawsuits where fines to mosquito control districts may exceed \$37,500/day.

Under FIFRA, the activists would need to demonstrate that the pesticides caused harm or were misapplied (because our pesticides are specific to mosquitoes and used in low doses by qualified applicators that would be extremely difficult).

However, the CWA 3rd Party Citizen Suit Provision allows for any third party to sue a government entity. Additionally, the CWA does not require actual evidence of a misapplication of a pesticide or harm to the environment, but rather simple paperwork violations or merely allegations of errors in permit oversight.

Gem County Mosquito Abatement District was the subject of one of these activist lawsuits utilizing the 3rd Party Citizen Suit Provision. It took ten years and the grand total of an entire year's annual operating budget (\$450,000) to resolve that litigation against that public health entity.

These ongoing compliance costs and threat of crushing litigation directly refute any activist statements that "Clean Water Act coverage in no way hinders, delays, or prevents the use of approved pesticides for pest control operations."

The existence of this unnecessary requirement for mosquito control activities is directly related to our ability to combat the vectors related to Zika. It diverts precious resources away from finding and suppressing mosquito populations.

The American Mosquito Control Association urges rapid action to address this burden.

Mr. GIBBS. Benton County, Washington, Mosquito Control District calculated their compliance with the NPDES permit cost them \$37,334. They spent over \$37,334 doing paperwork to secure the Federal and State permits. This money was used to update maps to secure the permit. They spent money on the permit fees; they spent this money on software to help with the reporting requirements for the permit; and they spent this money on countless requirements associated with the permit. None of that over \$37,000 was spent on spraying for mosquitos.

Benton County estimates they could have treated 2,593 acres of water where

mosquitos breed, or they could have paid for over 400 virus lab tests, or they could have hired three seasonal workers. But Benton County was forced to spend over \$37,000 to comply with the redundant Federal permit.

The Gem County Mosquito Abatement District in Idaho has testified that their staff spends 3 weeks per year tabulating and documenting seasonal pesticide applications associated with permit oversight. Additionally, they have had to invest in software that costs 20 percent of the district's annual operating budget to maintain this information. That software has no other function than serving the unnecessary NPDES permit.

Mosquito control districts in California estimate that it has cost them \$3 million to conduct the necessary administration for their NPDES permits.

Millions of dollars have now been spent on permitting and compliance rather than eradicating mosquitos. On top of the cost of the permit, it also opens up permit holders to the threat of citizen lawsuits where fines may exceed \$35,000 a day. Citizen lawsuits under the Clean Water Act have a much lower threshold, and the simple allegation of permit errors and paperwork violations can take mosquito control districts to court.

Gem County Mosquito Abatement District was subjected to one of these lawsuits, which took 10 years and \$450,000 to resolve the litigation. This is equal to their entire annual operating budget. We know that the NPDES permits are delaying, hindering, and preventing the use of lifesaving EPA-approved pesticides right now.

In 2012, the first year that this duplicative permitting went into effect, the number of cases of West Nile virus jumped from 712 to 5,674 cases in the United States. In response to those West Nile outbreaks, many States and communities were forced to declare public emergencies. This allowed them to use the lifesaving pesticides to control mosquitos without the delay caused by the NPDES permitting process. But they were only able to do this after they declared an emergency: West Nile had infected the community; they declared an emergency, and they could spray without having to get any permits. Congress should not be forcing States, cities, and mosquito control agencies to put their own residents, especially pregnant women, at risk of contracting Zika.

H.R. 897 will enable communities to resume conducting routine preventive mosquito control programs by providing a limited and temporary exemption for pesticides that are authorized by FIFRA and used in compliance with its label under EPA guidance. The EPA already reviews, approves, and regulates the use of these pesticides under FIFRA. Exempting them from NPDES permitting is a simple fix to a very bad court decision that added unnecessary red tape.

H.R. 897 was drafted very narrowly to address only the Sixth Circuit Court's decision and gives States and local entities that spray to control mosquito populations the certainty and the ability needed to protect public health. EPA even provided technical assistance in drafting this bill so it can achieve these objectives.

Well over 150 organizations representing a wide variety of public and private entities and thousands of stakeholders support a legislative resolution of this issue. Just to name a few, these organizations include the American Mosquito Control Association, the National Association of State Departments of Agriculture, the National Water Resources Association, the American Farm Bureau Federation, the National Farmers Union, Family Farm Alliance, the National Rural Electric Cooperative Association, CropLife America, Responsible Industry for a Sound Environment, the Agricultural Retailers Association, and the National Agricultural Aviation Association.

I thank Chairman SHUSTER for his leadership at the Transportation and Infrastructure Committee as well as Chairman CONAWAY and Ranking Member PETERSON on the Agriculture Committee for their leadership on this issue.

This is a responsible, commonsense bill that will help ensure public health officials aren't fighting Zika with their hands tied behind their back.

I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

I rise again in strong opposition to H.R. 897. To be clear, H.R. 897 was not created to respond to Zika.

Now, I hear my colleague's information in regard to all that has happened with the EPA and all the budget items. I suggest that we start looking at increasing the budget for EPA so they can do a better job.

Insofar as herbicides and pesticides, I have a lot of information from my own experience in California, where it has created a Superfund that has taken many years and will take many more to create.

Up until 2 weeks ago, the so-called Reducing Regulatory Burdens Act was drafted to relax our laws protecting public health to reduce the paperwork burdens on commercial pesticide spraying operations. If you will notice, most of them were people in the spraying business, in the ag business, and it is to their advantage. What about the public interest? This will be the fourth time in 3 years that we will vote against the legislation.

To be clear, a great number of waterbodies in the U.S. are already impaired or threatened by pesticides; yet for some reason, our Republican majority wants it to be easier for companies to add more of these pesticides to our waters, yet not report these additions nor monitor, for any reason, immediate health impacts that may result.

I am very concerned about the effect these pesticides have on the health of our rivers, on our streams, and especially on the drinking water supply of all our citizens, including pregnant women.

Last week, the majority argued that even though this bill would exempt pesticide applications from the Clean Water Act, public health would not be impacted because FIFRA labeling requirements would remain in place. However, FIFRA labeling does not address the volumes of pesticides being directly or indirectly applied to our rivers, lakes, and streams on an annual basis.

In many cases, we simply do not know the quantities and location of the pesticides being added to our waters because this data is not tracked by Federal or State regulators. And if we don't know what is being added to our waters, we cannot accurately be looking for the potential human health or environmental impacts of these pesticides. In fact, the only way we often learn of a problem is in examples like the gentleman from Oregon cited on the floor: massive fish kills or other environmental catastrophes. It is reckless to rely on a system of catastrophes or massive die-offs to identify where problems may be lurking.

Proponents of this legislation also argue that this legislation would protect the health of pregnant women and their children. How so? I think it is important to note that it could hurt both.

However, this legislation does nothing demonstrable to prevent the spread of Zika in the United States. What I fear, however, is that this legislation will relax standards for pesticide application to the point where even more waterbodies become impaired or threatened by pesticides.

Madam Speaker, we know there are significant health risks associated with exposing pregnant women and young children to pesticides. Let me name a few: birth defects, neurodevelopmental delays and cognitive impairments, childhood brain cancer, autism spectrum disorders, ADHD, endocrine disruption. That is just to name a few.

To be clear, the bill under consideration today will make it easier—I will say it again, easier—to contaminate our drinking water supplies with pesticides known or suspected to pose health risks. The majority will say that FIFRA ensures these chemicals are safe. What the majority cannot say definitely, however, is that continued exposure to these chemicals over and over in the same watershed is also safe.

Peer-reviewed science suggests that there are impacts, and that evidence should be enough for us to be cautious. If my choice is cautious use of pesticides to protect public health or the elimination of the paperwork requirement, I believe protection of health is more important.

Furthermore, according to The Washington Post, of the 544 reported cases of Zika in the United States, nearly all of

them involve people who have contracted the disease when they traveled to a country where the disease is prevalent. While a handful of the 544 cases of Zika may have involved sexual transmission of the virus, no one has acquired the disease from mosquitos in this country—I repeat, no one. Let me repeat that. No one has reported acquiring the Zika virus from a mosquito in this country.

We cannot and should not eliminate the role of the Clean Water Act in the regulation of pesticides. Over the past 5 years, this regulatory process has been reasonable and has been workable for pest operations and ag interests alike. It needs to be retained.

Madam Speaker, I oppose this bill. I urge my colleagues on both sides to vote “no.”

I reserve the balance of my time.

Mr. GIBBS. Madam Speaker, I yield myself such time as I may consume.

I want to reiterate, when I introduced this bill back in 2011, 5 years ago, the Director of the EPA’s Office of Pesticide Programs under this current administration said this:

“When used properly, pesticides provide significant benefits to society, such as controlling disease-causing organisms, protecting the environment from invasive species, and fostering a safe and abundant food supply. FIFRA’s safety standard requires EPA to weigh these types of benefits against any potential harm to human health and the environment that might result from using a pesticide.”

He went on to say:

“Under FIFRA, the Agency”—the EPA, in this case—“can impose a variety of risk mitigation measures—ranging, for example, from changes to how the pesticide is used to prohibition of specific uses or cancellation of all products containing a particular active ingredient—that ensure the use of the pesticide will not cause unreasonable adverse effect on the environment. When we are concerned about the risks arising from pesticides in water, we may require a reduction in application frequency or rates, a prohibition of certain application methods, the establishment of no-spray buffer zones around waterbodies, a requirement that limits use only to trained and certified applicators, or other restrictions.”

□ 1600

The important point to remember here, the EPA has full regulatory authority under FIFRA to ensure that the pesticide did not cause unreasonable adverse effects on human health or in the environment, including our Nation’s waters.

Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I want to thank my good friend, Chairman GIBBS, for his effort in putting this commonsense legislation forward.

Madam Speaker, we all come here to this House floor, and we work together in a bipartisan way to address many important issues that affect Americans. We have worked closely together with many of our colleagues on the other side of the floor today to help our veterans, to help rebuild our roads and our infrastructure, and I do believe we can work together to stop the spread of the Zika virus.

This is a commonsense piece of legislation that isn’t asking to get rid of EPA rules and regulations. It is asking to simply suspend them during this crisis period. I want to tell you why. My colleague, Mr. GIBBS, mentioned earlier that this is the result of a court case that, in 2006, actually created a duplicative and costly regulatory process that many of our small communities and small businesses are still trying to fight when they are dealing with spraying for mosquitoes.

Now, mosquito abatement has changed a lot since I was younger. I can remember my parents and my friends’ parents sending us out to ride our bikes behind the fogger.

We wouldn’t do that anymore now, would we, Madam Speaker?

Because we now see more rules and regulations. FIFRA, the policies that have been enacted by the EPA have shown that maybe that is not the smart thing to do.

We have processes in place. The very same agency that tells us what is safe and what is not when looking at spraying for mosquitoes that may or may not carry diseases like West Nile and Zika, how to safely use them, but the same agency has put together a process for Illinois, a 35-page document showing us how to get a permit to spray for mosquitoes if you are a small business, if you are a small community, and these 35 pages, these regulatory requirements, we are asking to suspend so we can deal with the Zika virus that we now know is mosquito borne. This 35-page permit had 6 entire pages dedicated to definitions and acronyms. Section 7, the recordkeeping portion alone includes three separate levels of recordkeeping, depending on the size of the annual treatment area, and it does it in there as some permittees are also subject to annual reporting requirements as well.

Madam Speaker, the farmers in my district are spending too much time to try to abate this disease on their own to help so many in our communities, and I am afraid they may say: Enough. Let’s figure out how someone else is going to do it.

That doesn’t help us solve the problem of eradicating the Zika virus. That is the reason why this bill that will suspend this process is so necessary right now.

I would urge my colleagues on the other side of the aisle to take a look at this commonsense approach and do what Mr. GIBBS is doing. Let’s work together. Let’s ensure that we can stop a permit process like this to deal with

something so important to so many families. Unfortunately, the longer we talk in this institution, Madam Speaker, the less is done to stop the spread of the Zika virus in this country, in our States, and in our districts.

Madam Speaker, I thank Chairman GIBBS for this commonsense piece of legislation.

Mrs. NAPOLITANO. Oh, what I could tell you about the vector control. I served on the board for a few years, and what I know is something else, but, unfortunately, most of the proponents are people who benefit from the pesticide application. So I take exception, where is the public interest in this?

Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, I thank the gentlewoman for yielding.

First off, we have to give the chairman a report card, and I am going to give him an A-plus for persistence. This is the fifth time this legislation will have been on the floor of this House. Of course, it is threatened by a veto should it ever pass the Senate, but it won’t, so A-plus for persistence.

I will give him an A for creativity because this is the same bill five times under four different guises. First it was for West Nile. Okay. Then it was the Pest Management and Fire Suppression Flexibility Act. So when we had West Nile, they called it a West Nile bill. When we were having a bad fire year, they called it a Fire Suppression Flexibility Act. Then they were honest, and they said it is the Reducing Regulatory Burdens Act, the piece of paper, the report you have to file after you apply the pesticides. So at least that was, from their side, honest. But then now it is the Zika Vector Control Act, renamed 2 weeks ago.

Zika is a serious problem. Of course, on their side, they are refusing to put forward an adequate budget to partner with communities who want to do mosquito reduction and control efforts, but that is a story for another day, and it is a different committee. But that would be a real thing we could do.

Here are a couple of points. Zika is very bad for pregnant women and is also implicated in Guillain-Barre syndrome in both males and females and other potential links to other diseases. Really, really bad stuff. We have to get ahead of it. We also know that pesticides and herbicides are bad for pregnant women.

So is the current state of affairs such that vector control districts can’t go out right now today and apply pesticides to deal with a potential Zika with tiger mosquitoes and *Aedes aegypti*?

No. Actually, they can. Under the law, they can go out and apply whatever they think would be effective. They just need, within 30 days, to send a form—a form, a piece of paper—available online to the EPA saying what they applied and where they applied it.

Now, why would we care about that?

Well, because we are worried about loading up drinking water with stuff that is harmful to pregnant women and to babies and to other living things, just like the 90,000 steelhead that were killed in my district. All we are saying is we would like to keep track, and then when we see certain concentrations in certain areas, we will actually test the water.

Your local water authority does not routinely test—for the most part, very few—for pesticides and herbicides, but if they knew a bunch had been dumped upstream, they might want to do that, or the EPA might want to follow up and do some testing. So what we are saying is we don't want to know. We don't want to know what, where, how this stuff was applied.

Now, the horrible burden of submitting an online form, this horrible, horrible, horrible burden has led to: No, well, we heard last time there may have been an aerial applicator who didn't apply something because of this regulatory burden, or maybe because they had misapplied it, or maybe the wind was blowing too hard.

Who knows?

We don't know. That was one anecdotal report. But from the 50 States assembled and the EPA, there are no documented instances of delays or prevention of necessary application of pesticides or herbicides because of the reporting requirement to EPA so we will know what, when, where, and how this stuff was applied.

So the gentleman gets an A-plus for persistence, an A for creativity, but, unfortunately, a D for dangerous in terms of what this legislation would lead to.

I include in the RECORD the Statement of Administration Policy. I will put the whole thing in the RECORD, but the administration does not agree with that truncated quote talking about how important this is or something from someone at EPA. "H.R. 897 would weaken environmental protections under the Clean Water Act by exempting pesticide spraying from the currently required pesticide general permit." General permit. "Creating a new statutory exemption to the permit is unnecessary" because the permit itself "was explicitly crafted to allow immediate responses to declared pest emergencies, thereby allowing vector control methods to be applied to the possible influx of disease-carrying mosquitoes."

#### STATEMENT OF ADMINISTRATION POLICY

H.R. 897—REDUCING REGULATORY BURDENS ACT OF 2015—REP. GIBBS, R-OH, AND TWO COSPONSORS

The Administration strongly opposes H.R. 897, Reducing Regulatory Burdens Act of 2015, recently rebranded as the Zika Vector Control Act. H.R. 897 would weaken environmental protections under the Clean Water Act by exempting pesticide spraying from the currently required Pesticide General Permit. Creating a new statutory exemption to the Permit is unnecessary, as it was explicitly crafted to allow immediate responses to declared pest emergencies, thereby allow-

ing vector control methods to be applied to the possible influx of disease-carrying mosquitoes.

In fact, most mosquito control districts and Federal and State agencies already have authority under the Pesticide General Permit to apply mosquitocides as needed to respond to Zika virus concerns and do not require any additional authorization under the Permit. In rare circumstances where a mosquito control district did not seek prior coverage under the Permit, emergency provisions of the Permit are available that allow instant authorization to spray without the need for prior notification.

The Administration is committed to taking necessary steps, as quickly as possible, to protect the American people from the Zika virus. Rebranding legislation that removes important Clean Water Act protections for public health and water quality is not an appropriate avenue for addressing the serious threat to the Nation that the Zika virus poses.

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The time of the gentleman has expired.

Mrs. NAPOLITANO. Madam Speaker, I yield an additional 1 minute to the gentleman.

Mr. DEFAZIO. So the current state, there is nothing going on here except this sort of myth that this is a huge impediment to agricultural practices in this country. This is being pushed by the Farm Bureau.

There is joint jurisdiction between the Committee on Transportation and Infrastructure and the Committee on Agriculture. The Committee on Transportation and Infrastructure, despite this bill being on the floor five times, has held zero—zero; count them, zero—hearings on this issue. We wouldn't want to hear from experts.

There was a joint hearing with the Committee on Agriculture. Unfortunately, we were not allowed to have a witness. Only the pro-reform, so-called repeal pesticide-herbicide, witnesses were allowed to testify. There has been no deliberation on this issue. There is a great mythology around it.

It is a very sad day to use a potential national health crisis to put through a lame bill that has gone through five times, which isn't going to pass the Senate. If it did, it will be vetoed.

Mr. GIBBS. Madam Speaker, I just want to address a few comments that were just made. I believe the witness that he was referring to was the head of the EPA under this administration. So that wasn't their witness, I guess. I don't know. It seems odd to me.

Funding. We passed a funding bill out last week, over \$600 million to go to the end of this fiscal year, September 30. My side of the aisle is committed to appropriating more money, if need be, during the regular appropriation process for the next fiscal year starting October 1.

Regarding the fish kill, we had a discussion on this last week. It is very unfortunate when there is a fish kill, but we looked into this and concluded that even if this fish kill had happened back—I don't know—in 1996, I believe, the NPDES permit, if it was in place,

would not have prevented the fish kill, would not have resolved it.

What we found out from the EPA's own investigation from the Office of Pesticide Programs was that the fish incident was the result of misuse of the pesticide. The EPA goes on to report that with the various species of salmon and steelhead analyzed, if the pesticide had been applied in accordance with all the label requirements and under FIFRA and EPA requirements, they wouldn't have had the Oregon fish kill. So completing the NPDES permit paperwork and paying for permit fees doesn't prevent fish kills or improve water quality. It just adds cost and takes money away from fighting mosquitoes in this case.

At this time I yield 3 minutes to the gentleman from Washington (Mr. NEWHOUSE).

Mr. NEWHOUSE. Madam Speaker, I want to thank the gentleman from Ohio for yielding and also for his hard work on this important piece of legislation. Coming from mosquito country, I am very much interested in this legislation.

Madam Speaker, passing the Zika Vector Control Act is a step that we must take today that will have a major impact on preventing the spread of the Zika virus as well as many other deadly mosquito-borne illnesses.

Right now the Centers for Disease Control is advising Americans to adopt the most commonsense method to avoid contacting Zika, and that is preventing mosquito bites. Since a vaccine does not exist, we need to prevent bites in the first place.

Our Nation's mosquito control districts are on the frontline of reducing mosquito populations that not only carry Zika, but other dangerous diseases such as West Nile virus. I can just tell you that I have a personal friend who passed away from West Nile, and I also know several people in my community whose lives have been changed forever by infection from West Nile. Dengue fever and various forms of encephalitis are huge problems also.

The legislation being offered today by the gentleman from Ohio (Mr. GIBBS) offers a simple, commonsense fix to one of the biggest burdens of our mosquito control districts. For more than 40 years, both Democrat and Republican administrations alike have not required mosquito control districts to seek a permit for treating mosquitoes since the EPA already approves every pesticide and every applicator being used.

However, several years ago, EPA required another permit in addition to the approval processes chemicals and applicators already go through. This duplicative permitting is very costly. The State of California alone—the gentleman's State—spends \$3 million annually on these duplicative permits. That is \$3 million less in resources to combat mosquitoes. To make matters worse, mosquito control districts now face increased legal uncertainty due to these new permits.

□ 1615

One district in my State informed me that they now set aside fully 20 percent of their budget for potential legal challenges related to the permits. Now, that is 20 percent of their budget that is not going to combat mosquitoes. To me, that is an example of government red tape at its worst, and it is putting lives at risk. So I would disagree with my friend from Oregon that it does reduce the amount of control that we do see.

Opponents of this legislation say that this will place our waters at risk. But, Madam Speaker, nothing can be further from the truth. Appropriate regulation already exists. All of the pesticides being used have already been approved by the EPA for safe use. The only risk to public health that will come from this legislation would be not to pass it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GIBBS. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. NEWHOUSE. Not passing this bill will continue to unnecessarily expose millions of Americans to Zika and other mosquito-borne diseases and will restrict resources for those desperately trying to keep the American people safe.

Mrs. NAPOLITANO. Madam Speaker, I include in the RECORD several news editorials from coast to coast, including one from The New York Times that refers to this legislation as a “pretext to weaken environmental regulations” and “a ruse to benefit pesticide manufacturers and farmers who find the regulation burdensome.”

[From the New York Times, May 19, 2016]

#### STEALING FROM EBOLA TO FIGHT ZIKA

(By the Editorial Board)

Nobody should be surprised when the present House of Representatives, dominated by penurious reactionaries, produces a stingy response to a danger that calls for compassionate largess. But for sheer fecklessness it's hard to top the House's response this week to the Zika virus. The salient feature is that in providing money to fight one health menace, it steals from other funds meant to fight an even more dangerous threat—the Ebola virus.

In February, President Obama asked Congress for \$1.9 billion to help fight Zika, a virus that can cause severe birth defects and has been linked to neurological disorders in adults. Transmittable by mosquitoes and through sex, Zika broke out last year in Brazil and has since spread to the United States and other countries. Experts fear there could eventually be hundreds of thousands of infections in Puerto Rico, where nearly half the population lives below the poverty line, with possibly hundreds of babies affected. States in the American South with large mosquito populations are also at particular risk.

On Thursday, the Senate voted for \$1.1 billion in emergency funds for research, vaccine development, mosquito control efforts and other programs. The bill does not provide as much money as public health agencies like the Centers for Disease Control and Prevention say they need, but it is a decent start.

The House bill approved Wednesday would provide just over half that—\$622 million.

Further, the House insisted that even that sum be offset by cuts to other programs, including those aimed at Ebola. That makes no sense. It would shortchange critical efforts to strengthen public health systems in Africa in order to prevent a resurgence of Ebola, which killed more than 11,000 people, and other diseases.

The money in the House bill would be available only until the end of September, when the fiscal year ends. That cutoff seems to assume that Zika will no longer be a problem by then, an absurdly risky line of reasoning that most health experts do not accept. Cutting off funds that early would also severely hamper the effort to create a Zika vaccine, which is expected to take more than a year to develop and test.

Some ultraconservative House Republicans have said that they do not consider Zika a major health crisis. Perhaps they have yet to see (or, more distressingly, they deliberately ignore) the photographs of babies born with small heads because of the virus. Or perhaps they do not think of this as an emergency worthy of their attention because those babies were not born in the United States or to their constituents.

Perversely, while not doing much to contain the virus, some House members have seized upon it as a pretext to weaken environmental regulations. Republicans have introduced a bill that would allow businesses to spray pesticides on or near waterways without first notifying regulators, as now required by law. Once called the Reducing Regulatory Burdens Act, the bill was recently given a more ominous name, the Zika Vector Control Act, the idea being that with Zika lurking around the corner, local governments should be able to use pesticides more easily.

The bill, rejected on Tuesday under a rule that required a two-thirds majority in favor, could come up again under a rule requiring only a simple majority. In any case, it's a ruse to benefit pesticide manufacturers and farmers who find the regulation burdensome. The Environmental Protection Agency says that in emergencies, spraying can occur without prior notification. The House seems incapable of seeing that Zika is a real threat, not a device to satisfy its anti-regulatory zeal.

[From HeraldNet, May 19, 2016]

#### ADVANCE SENATE'S ZIKA FUNDING PACKAGE

(By the Herald Editorial Board)

Even more annoying than the whine of a mosquito has been the U.S. House Republicans response to the Zika virus.

In February, President Barack Obama made an emergency request for \$1.9 billion to fund vaccine research, mosquito control efforts and other work to timely address the growing threat from Zika.

Now prevalent in South and Central America and threatening to move into some southern U.S. states, the mosquito-borne virus is not typically fatal and in most cases results in only mild symptoms. But its threat is much greater for pregnant women and the children they carry. The virus can cause birth defects when pregnant women are infected by mosquitoes or through sexual contact with an infected person. The most common birth defect is microcephaly, which results in infants with abnormally small heads and reduced brain development. But researchers also are investigating Zika's possible association with neurological disorders in adults, including Guillain-Barre syndrome.

An estimated 500 people in the continental U.S. have contracted the virus, almost all during travel abroad. But another 700 in Puerto Rico and other U.S. Territories have

been infected by mosquitoes, including more than 100 pregnant women.

When neither the Senate nor the House moved quickly enough to provide funding, the White House instead diverted \$510 million that had been allocated to research and fight the Ebola virus, with the hope that Congress would eventually approve the Zika request and allow the restoration of the Ebola funding.

This week, the Senate responded, first with a bipartisan proposal by Florida's senators, including former Republican presidential candidate Marco Rubio, to fund the president's full \$1.9 billion request. When that failed to attract enough Republican votes, the Senate approved a compromise negotiated by Sen. Patty Murray, D-Washington, and Sen. Roy Blunt, R-Missouri, that will allocate \$1.1 billion.

Murray would have preferred legislation to fund the president's full \$1.9 billion request, a spokeswoman said, but as she has before, Washington's senior senator worked across the aisle to find a solution that would win passage. In answer to charges that the president had requested a “slush fund” Blunt said in a New York Times story that the package had been trimmed back to address the emergency and will finance research and response through September 2017.

Such responsible compromise is less certain in the House, where Republicans are expected to vote soon on a package that provides only \$622 million, much of it again diverted from Ebola work.

That's too little and threatens further delay and a loss of progress on Ebola. While the Ebola epidemic in West Africa is no longer out of control, the disease continues to flare, most recently in Guinea and Liberia.

But adding a maddening itch to that mosquito bite of a funding package is a bill that the House is expected to vote on next week. The Zika Vector Control Act sounds promising, as if the threat is being taken seriously. But House Republicans, as reported by The Hill, have only renamed and changed the effective date for legislation proposed last year that seeks to weaken federal Clean Water Act standards that have little to do with Zika.

Formerly titled the Reducing Regulatory Burdens Act, the rechristened legislation would prohibit the Environmental Protection Agency from requiring permits to spray pesticides near bodies of water, if the pesticide is federally approved and the application has been approved by the state.

Prior federal approval of a particular pesticide doesn't guarantee that its use near a body of water is safe or even effective. Lifting environmental protections—and risking a threat to public health from a lack of oversight on toxic chemicals—is not going to further the fight against Zika.

The White House has threatened to veto the House proposal on Zika funding but appears ready to accept the \$1.1 billion Senate package. The House should adopt the Senate package quickly to advance work that is needed now on a potentially devastating health threat.

[From the Hill, May 17, 2016]

#### GOP REPURPOSES EPA PESTICIDE BILL FOR ZIKA

(By Timothy Cama)

House Republicans are renaming a bill that fights environmental regulations on pesticides and reframing it to fight the Zika virus.

The House is planning to vote Tuesday on the Zika Vector Control Act, which up until late last week was known as the Reducing Regulatory Burdens Act.

With the national spotlight on Zika, and the GOP under harsh criticism for not taking bold action against the virus, Republicans are using the anti-Environmental Protection Agency (EPA) regulation bill to show they care about the Zika fight.

"EPA regulations under the Clean Water Act actually make it harder for our local communities to get the permits they need to go and kill the mosquitoes where they breed by sources of water," House Majority Whip Steve Scalise (R-La.) told reporters Tuesday. "So this is an important bill as part of a package to make sure that we're combating Zika."

Along with an appropriations bill to redirect \$622 million toward fighting Zika and away from Ebola, Republicans say they're taking the virus seriously.

Zika can cause severe birth defects for newborns if the mother gets infected while pregnant. Symptoms are more minor for adults and other patients.

The pesticide bill, introduced last year by Rep. Bob Gibbs (R-Ohio), would prohibit the EPA from requiring permits to spray pesticides near bodies of water as long as the application has been approved by a state and the pesticides themselves are federally approved.

A spokesman for House Minority Leader Nancy Pelosi (D-Calif.) blasted the renaming as "dishonest."

"In a brazenly political act, the Republican leadership is trying to mask gutting the Clean Water Act as having something to do with fighting Zika," Drew Hammill said in a statement.

"This bill has nothing to do with Zika and everything to do with Republicans" relentless special interest attacks on the Clean Water Act," he said. "It will do nothing to stem the growing threat of the Zika virus."

Rep. Peter DeFazio (Ore.), the top Democrat on the House Transportation Committee, said in a letter to colleagues Monday that the bill "has absolutely nothing to do with preventing the spread of Zika or protecting public health."

He further argued that the legislation is unnecessary, and the Clean Water Act "in no way hinders, delays, or prevents the use of approved pesticides for pest control operations." The Transportation Committee has jurisdiction over the bill through its authority on the Clean Water Act.

Democrats want the GOP to approve President Obama's request for \$1.9 billion in new funding to fight Zika.

But Dallas Gerber, a spokesman for Gibbs, said the reframing is entirely appropriate, since the bill would allow more spraying to kill the mosquitoes that carry Zika.

"It's an appropriate addition to the fight against Zika," Gerber said. "When people are taking up a lot of their time on [National Pollutant Discharge Elimination System] permits, that's money and time that's being spent on paperwork and administration, not on spraying."

Gerber confirmed that other than the title and a new expiration date, the bill has not changed since it was known as the Reducing Regulatory Burdens Act.

The House vote Tuesday will be under suspension of rules, requiring a two-thirds majority to pass. The bill previously passed the House in 2014 under a standard majority vote.

Mrs. NAPOLITANO. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. RUIZ).

Mr. RUIZ. Madam Speaker, I thank Ranking Member DEFAZIO and Ranking Member NAPOLITANO for bringing attention to this issue and for giving me time to speak.

I rise today to oppose the so-called Zika Vector Control Act, otherwise known as the pesticide Trojan horse bill.

Madam Speaker, I am disappointed. I am disappointed that, as this body fails to fully fund a meaningful effort to combat the spread of the Zika virus, the Republican majority is using the legitimate concern about Zika to advance its special interest agenda.

This Trojan horse was first called the Reducing Regulatory Burdens Act of 2015 and was only recently named the Zika Vector Control Act to play on fears over the Zika virus. The fact is the majority has been pushing the text of this legislation for years under whatever name happens to be convenient at the time. Each time they rename the bill, they merely find a different problem to manipulate to serve their same agenda.

Let's be frank, this bill has nothing to do with combating Zika. Vector control agencies already have the authority to apply pesticides in emergency situations, like combating the Zika virus epidemic, to prevent the spread of infectious diseases without the need to apply for a permit.

Instead of protecting the public's health, this bill actually does away with critical compliance oversight provisions that allow us to track when and where harmful pesticides are used. Without the ability to track where harmful pesticides are used, we are less able to prevent their negative impact or properly act when a mistake is made or when a harmful pesticide is inappropriately used.

I know, as a physician and public health expert, that pesticides can have a serious and harmful impact on human health, particularly for women and children, and for vulnerable populations who live and work where pesticides are often sprayed. Harmful pesticides can cause infertility, cancer, birth defects, and lifelong developmental delays.

This bill guts the oversight compliance that gives doctors like me the tools they need to track and identify the cluster of symptoms caused by harmful pesticides.

Madam Speaker, the pesticide Trojan horse bill is a farce, a disguise that can only leave our communities, our farm workers, and our drinking water at risk of contamination from harmful pesticides.

If passed, this legislation could harm the public's health. It will expose already vulnerable populations to greater risk, without providing a single dime in funding or scrap of authority that doctors and scientists actually need to combat the spread of Zika.

The pesticide Trojan horse bill is just another instance of political gamesmanship in Congress that could have a disastrous impact on public health. Instead of actually working to control the spread of one public health crisis, this bill could make another public health problem even worse.

Rather than spending our time on this bill that does nothing to strengthen Zika prevention efforts across the country, we should be working to pass legislation to fully fund efforts to contain and stop the virus before we adjourn.

We need to put people above partisanship and solutions above ideology. I have said this time and time again: it is time for Congress to do its job.

We must vote against this pesticide Trojan horse bill and for full funding that will fully combat the spread of Zika, not the partial funding bill that shortchanges American families, which Republicans have recently passed in the House, before it is too late.

Mr. GIBBS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we know that since this court decision, there has been mosquito control districts, municipalities, that have delayed the preventative mosquito control programs, and then they have waited until epidemic proportions, epidemic levels, especially of the West Nile virus, which is what happened with Zika.

We just heard that you can have emergency provisions. It doesn't matter. You can still do it. Well, even with the emergency provisions, with this court decision in place, they have forgotten that the NPS permit emergency provisions have extensive compliance costs that go along with that provision.

The emergency provisions do not ease the threat of third-party lawsuits in the event a State, Federal, or local government declares an emergency. Pesticide applicators are required to file notice of intent no later than 15 days after the beginning of the application that provides a detailed description of the application and includes the rationale supporting the determination.

A user that fails to file the correct paperwork—this is key—can still be found in violation of the Clean Water Act and fined up to \$37,000 a day. Now, you heard me say earlier we have got mosquito control districts where that is their entire annual budget.

Timely paperwork does not protect the mosquito control districts from legal disputes from the third party that argues the appropriate measures that were not taken to avoid potential adverse effects and impacts.

So it is just ridiculous to think that it is okay, delay your preventative programs, but then when you have epidemic proportions of mosquitoes with West Nile or Zika, declare an emergency. Go ahead and spray, but if you don't file your paperwork under the Clean Water Act, you will get fined \$37,000 a day.

So guess what happens?

We don't control the mosquitoes and protect the public.

Madam Speaker, I include in the RECORD letters of support for H.R. 897 from the American Mosquito Control Association—by the way, I think their interest is more than just their self-interest; I think it is the interest of the

general public—the Pesticide Policy Coalition, and the National Agricultural Aviation Association.

THE AMERICAN MOSQUITO  
CONTROL ASSOCIATION,  
May 16, 2016.

Hon. BOB GIBBS,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN GIBBS: The American Mosquito Control Association, in concert with mosquito control agencies, programs and regional associations throughout the United States, want to express our enthusiastic support for passage of HR 897 the Zika Vector Control Act clarifying the National Pollutant Discharge Elimination Systems (NPDES) permitting issue facing our public health agencies.

Each year, over one half million people die worldwide from mosquito-transmitted diseases. In the U.S. alone, the costs associated with the treatment of mosquito-borne illness run into the millions of dollars annually.

This amendment addresses a situation that has placed mosquito control activities under substantial legal jeopardy and requires ongoing diversion of taxpayer-supported resources away from their public health mission. Though the NPDES was originally designed to address point source emissions from major industrial polluters such as chemical plants, activist lawsuits have forced US Environmental Protection Agency (EPA) to require such permits even for the application of EPA registered pesticides, including insecticides used for mosquito control. These permits are mandated despite the fact that pesticides are already strictly regulated by the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Currently, mosquito control programs are vulnerable to lawsuits for simple paperwork violations of the Clean Water Act (CWA) where fines may be up to \$35,000 per day for activities that do not involve harm to the environment. In order to attempt to comply with this potential liability, these governmental agencies must divert scarce resources to CWA monitoring. In some cases, smaller applicators have simply chosen not to engage in vector control activities.

Requiring NPDES permits for the discharges of mosquito control products provides no additional environmental protections beyond those already listed on the pesticide label, yet the regulatory burdens are potentially depriving the general public of the economic and health benefits of mosquito control. This occurs at a time when many regions of the country have seen outbreaks of equine encephalitis, West Nile virus, dengue fever and the rapidly spreading new threat of the Zika and chikungunya viruses.

This negative impact on the public health response and needless legal jeopardy requires legislative clarification that the intent of the CWA does not include duplicating FIFRA's responsibilities. HR 897 seeks to achieve that goal and we strongly encourage its passage via any legislative vehicle that enacts its clarifying language into law.

Thank you for your strong leadership on this important public health issue.

Adams County (WA) Mosquito Control District, American Mosquito Control Association, Associated Executives of Mosquito Control Work in New Jersey, Atlantic County Office of Mosquito Control, Baker Valley Vector Control District, Benton County (WA) Mosquito Control District, Columbia Drainage Vector Control District, Davis County (UT) Mosquito Abatement District, Delaware Mosquito Control Section, Florida Mosquito Control Association, Gem County

(ID) Mosquito Abatement, Georgia Mosquito Control Association, Idaho Mosquito and Vector Control Association, Jackson County (OR) Vector Control District, Klamath Vector Control District, Louisiana Mosquito Control Association, Magna Mosquito Abatement District, Manatee County (FL) Mosquito Control District.

Matthew C. Ball, Multnomah County (OR) Vector Control Program, New Jersey Mosquito Control Association, North Carolina Mosquito & Vector Control Association, North Morrow Vector Control District, Northeast Mosquito Control Association, North Shore Mosquito Abatement District (Cook County, Illinois), Northwest Mosquito and Vector Control Association, Oregon Mosquito and Vector Control Association, Pennsylvania Vector Control Association, Philip D. Smith, Richmond County (GA) Mosquito Control District, South Salt Lake Valley Mosquito Abatement District, Salt Lake City Mosquito Abatement District, Texas Mosquito Control Association, Teton County (WY) Weed & Pest District, Union County (OR) Vector Control District, Washington County (OR) Mosquito Control.

Members of the Mosquito and Vector Control Association of California:

Alameda County MAD, Alameda County VCSD, Antelope Valley MVCD, Burney Basin MAD, Butte County MVCD, City of Alturas, City of Berkeley, City of Blythe, City of Moorpark/VC, Coachella Valley MVCD, Colusa MAD, Consolidated MAD, Compton Creek MAD, Contra Costa MVCD, County of El Dorado, Vector Control, Delano MAD, Delta VCD, Durham MAD, East Side MAD, Fresno MVCD, Fresno Westside MAD, Glenn County MVCD.

Greater LA County VCD, Imperial County Vector Control, June Lake Public Utility District, Kern MVCD, Kings MAD, Lake County VCD, Long Beach Vector Control Program, Los Angeles West Vector and Vector-borne Disease Control District, Madera County MVCD, Marin/Sonoma MVCD, Merced County MAD, Mosquito and Vector Management District of Santa Barbara County, Napa County MAD, Nevada County Community Development Agency, No. Salinas Valley MAD, Northwest MVCD, Orange County Mosquito and Vector Control District, Oroville MAD, Owens Valley MAP, Pasadena Public Health Department, Pine Grove MAD, Placer MVCD.

Riverside County, Dept. of Environmental Health VCP, Sacramento-Yolo MVCD, Saddle Creek Community Services District, San Benito County Agricultural Commission, San Bernardino County Mosquito and Vector Control Program, San Diego County Dept. of Environmental Health, Vector Control, San Francisco Public Health, Environmental Health Section, San Gabriel Valley MVCD, San Joaquin County MVCD, San Mateo County MVCD, Santa Clara County VCD, Santa Cruz County Mosquito Abatement/Vector Control, Shasta MVCD, Solano County MAD, South Fork Mosquito Abatement District, Sutter-Yuba MVCD, Tehama County MVCD, Tulare Mosquito Abatement District, Turlock MAD, Ventura County Environmental Health Division, West Side MVCD, West Valley MVCD.

[From the American Mosquito Control Association]

#### AMERICAN MOSQUITO CONTROL ASSOCIATION STATEMENT ON NPDES BURDEN

From the perspective of the agencies charged with suppressing mosquitoes and other vectors of public health consequence, the NPDES burden is directly related to combatting Zika and other exotic viruses.

For over forty years and through both Democratic and Republican administrations,

the EPA and states held that these permits did not apply to public health pesticide applications. However, activist lawsuits forced the EPA to require such permits even for the application of EPA-registered pesticides including mosquito control.

AMCA has testified numerous times to establish the burden created by this court ruling. The threat to the public health mission of America's mosquito control districts comes in two costly parts:

#### ONGOING COMPLIANCE COSTS

Though the activists contend that the NPDES permit has "modest notification and monitoring requirements" the experience of mosquito control districts is much different.

Initially obtaining and maintaining an NPDES comes at considerable expense. California vector control districts estimate that it has cost them \$3 million to conduct the necessary administration of these permits.

The Gem County Mosquito Abatement District in Idaho has testified that their staff spends three weeks per year tabulating and documenting seasonal pesticide applications associated with permit oversight. Additionally, they have had to invest in a geographic information software program that cost 20% of the district's annual operating budget to maintain this information. That software has no other function than serving the unnecessary NPDES permit.

In Congressman DeFazio's district in Oregon, the local vector control managers have explained the negative impacts the permit was having on their districts. The managers of those districts have met with Rep. DeFazio's staff repeatedly in Washington D.C. over the past several years regarding the burden NPDES is having on mosquito control in Oregon.

The funds to operate districts like those in Oregon, California, Idaho and across the country come from taxpayers for the purpose of mosquito control, but are being diverted into this bureaucratic oversight function.

The fact that the existence of the permit has no additional environmental benefit (since pesticide applications are already governed by FIFRA) makes these taxpayer diversions from vector control unconscionable.

So why would the activist organizations be so adamant that these permits be mandatory for public health pesticide applications . . . ?

#### EXPOSURE TO ACTIVIST LITIGATION

. . . Because it leaves municipal mosquito control programs vulnerable to CWA citizen lawsuits where fines to mosquito control districts may exceed \$37,500/day.

Under FIFRA, the activists would need to demonstrate that the pesticides caused harm or were misapplied (because our pesticides are specific to mosquitoes and used in low doses by qualified applicators that would be extremely difficult).

However, the CWA 3rd Party Citizen Suit Provision allows for any third party to sue a government entity. Additionally, the CWA does not require actual evidence of a misapplication of a pesticide or harm to the environment, but rather simple paperwork violations or merely allegations of errors in permit oversight.

Gem County Mosquito Abatement District was the subject of one of these activist lawsuits utilizing the 3rd Party Citizen Suit Provision. It took ten years and the grand total of an entire year's annual operating budget (\$450,000) to resolve that litigation against that public health entity.

These ongoing compliance costs and threat of crushing litigation directly refute any activist statements that "Clean Water Act coverage in no way hinders, delays, or prevents the use of approved pesticides for pest control operations."

The existence of this unnecessary requirement for mosquito control activities is directly related to our ability to combat the

vectors related to Zika. It diverts precious resources away from finding and suppressing mosquito populations.

The American Mosquito Control Association urges rapid action to address this burden.

#### PESTICIDE POLICY COALITION

SETTING THE RECORD STRAIGHT ON H.R. 897

H.R. 897 is bi-partisan, would augment state and local governments' ability to combat Zika-carrying mosquitoes, eliminate costly and unnecessary duplicative permit regulations and thereby increase the number of trained applicators deployed each season to fight mosquitoes, and would continue to ensure the nation's waterways are protected against adverse impacts on human health, the environment, or drinking water. The dual regulation of pesticide applications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) program is onerous and does not create additional environmental benefits.

It is our hope that we can make our case to you via this letter and win your support should the issue come up again under regular order. The burdens imposed by duplicative Clean Water Act requirements will remain a costly impediment to mosquito control, and therefore to Zika control, unless Congress addresses them in this legislation.

During last week's floor debate, a significant amount of misleading and false information was used by those opposed to H.R. 897. It's time to set the record straight:

Extensive review of pesticides is required for approval/registration under FIFRA. All pesticides undergo a rigorous review process before being approved for use by the U.S. Environmental Protection Agency (EPA). Only those mosquito control products (larvicides and adulticides) that are EPA-approved and registered are available for use to control mosquitoes. EPA's registration process includes extensive review of studies/data relating to possible health and environmental effects of pesticides. EPA specifically examines the possible risk of the intended use and potential non-target organism impacts and effects on water quality. FIFRA requires that when a pesticide is used according to the label, use "will perform its intended function without unreasonable adverse effects on the environment; and when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment". Any pesticides in use for mosquito control have met this standard and when applied in accordance with the FIFRA label should not harm the environment/water quality.

Previous bills were passed in the House. Contrary to statements made during the May 17 floor discussion, there has been consistent bi-partisan support for this legislation in the House. The history of previous legislative activity is summarized briefly here:

H.R. 1749 (109th Congress): No votes were held during the 109th Congress. A House Agriculture Committee hearing took place on 09/29/05. The bill was sponsored by Rep. Butch Otter (R-Idaho), and had 77 co-sponsors, including over 20 House Democrats.

H.R. 872 (112th Congress): The bill had 137 co-sponsors, including over 20 House Democrats, and passed the House by a vote of 292 to 130. Yes votes include 57 House Democrats.

H.R. 935 (113th Congress): The House Agriculture and Transportation & Infrastructure Committees approved H.R. 935 by voice vote. The House passed H.R. 935 under regular order by a vote of 267 to 161.

The Oregon fish kill incident would not have been prevented by a Clean Water Act NPDES Pesticide General Permit. Statements made on the House floor in reference to a fish kill involving 92,000 steelhead in Oregon's Talent Irrigation District occurred several decades ago in 1996. This incident was litigated in the *Headwaters v. Talent Irrigation District* 2001 Ninth Circuit decision that triggered debate over CWA regulation of pesticide applications. Not only have regulatory requirements under FIFRA evolved since that time, the Talent incident, and others like it, were later attributed to misuse of the pesticide acrolein, a herbicide used to control aquatic weeds in irrigation canals. In a 2003 EPA Office of Pesticide Programs Report analyzing the potential risks posed by acrolein use for several species of Pacific salmon and steelhead, in reference to the fish kill incidents, EPA states "[w]here sufficient information has been provided, it appears that the fish incidents are as a result of misuse. The form of misuse is that water was released from the irrigation canals too early. In some cases this was because the gate valves were not properly closed or that they leaked, in other cases the applicator opened them intentionally, but too soon. In one case, boards that helped contain the irrigation canal water may have been removed by children playing." EPA goes on in the report to address each of the various species of salmon and steelhead analyzed and repeatedly states "[i]t is very unlikely that acrolein would affect the [steelhead or salmon species] if it is used in accordance with all label requirements." Completing NPDES Pesticide General Permit paperwork and paying a permit fee does not prevent fish kills, nor does it improve water quality. Pesticide applications in accordance with FIFRA pesticide labels will avoid adverse environmental impacts, including fish kill incidents.

USGS reports on decades old pesticide data do not reflect impacts of present day use in accordance with FIFRA. During the House floor discussion, one Member referred to a "2016 USGS Report" that includes water quality impairment data that states provide to EPA as showing "more than 16,000 miles of rivers and streams, 1,380 bays and estuaries, and 370,000 acres of lakes in the United States are currently impaired or threatened by pesticides." Unfortunately, the U.S. Geological Service (USGS) continues to use outdated data analyzing pesticide occurrence in U.S. streams dating back to 1992-2001. This does not accurately capture the pesticides that are presently approved for use in the U.S. Further, USGS acknowledges that it's "analytical methods were designed to measure concentrations as low as economically and technically feasible. By this approach . . . pesticides were commonly detected at concentrations far below Federal or State standards and guidelines for protecting water quality. Detections of pesticides do not necessarily indicate that there are appreciable risks to human health, aquatic life, or wildlife. Most of the 75 products actually studied were not detected or detected very infrequently.

In the Fact Sheet for recent draft 2016 PGP reissuance, EPA points out that during the past four years of pesticide use reporting under the PGP "EPA found that of the 17 pesticide active ingredients identified on the relevant [CWA] 303(d) lists as causes of water quality impairment, 7 of these pesticides have been cancelled, and others have significant restrictions. Based on annual report data, none of the impairments caused by pesticides in PGP states for the 303(d) reported years were for pesticides applied under the PGP in those respective states." This current information is a more accurate rep-

resentation of pesticides currently being used across the country to combat mosquitoes and aquatic weeds etc., and strong evidence that none of these applications are causing impairments to water quality.

Irrespective of the Clean Water Act NPDES Pesticide General Permit, applicators must comply with federal regulations require record-keeping requirements; failure to comply can result in civil and criminal penalties. Under the law, applicators are required to keep detailed records of the type of pesticide, location, time/date, target pests, amount applied, and method/location of any pesticide disposal. Any applicator who "fails to comply with the provisions of this rule may be subject to civil or criminal sanctions."

In addition, under FIFRA, pesticide registrants are required to report any knowledge of incidents or problems encountered as a result of the pesticide's use. Specifically, "if at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, the registrant shall submit such information to the Administrator."

H.R. 897 does not eliminate Clean Water Act protections for the nation's waterways. This bill provides relief from duplicative regulation of pesticide applications under FIFRA and the Clean Water Act Section 402 NPDES Program. Nothing in the legislation would inhibit EPA and states from the continued implementation of the suite of Clean Water Act programs that are governed by other portions of the Act, including establishing and updating water quality standards/criteria and issuing total maximum daily loads (TMDLs). H.R. 897 simply eliminates the need for obtaining a Clean Water Act NPDES permit for pesticide applications that are already regulated under FIFRA in a manner that protects against adverse environmental impacts. In EPA testimony before the House Transportation & Infrastructure, Subcommittee on Water Resources and Environment, Ben Grumbles, former EPA Assistant Administrator for Water, stated "there are other tools under [the CWA] that we fully intend and continue to use in coordination with State and local water quality officials through the water quality standards programs, through criteria, through pollution reduction and TMDL programs. Those are still in place. If you are lawfully applying a pesticide, and it is a direct application to waters of the U.S., or if it is an application to control pests over or near waters of the U.S., you don't need a Clean Water Act permit."

NPDES Pesticide General Permits divert state and federal resources away from other Clean Water Act program activities. The federal and state resources required to administer the Pesticide General Permit program detracts from other agency priorities. In 2011 testimony before a joint hearing of the House Committee on Agriculture, Subcommittee on Nutrition and Horticulture and Transportation and Infrastructure, Subcommittee on Water Resources and Environment, Dr. Andrew Fisk, then President of the Association of State and Interstate Water Pollution Control Administrators (now known as ACWA), stated, "[t]he general permits being developed must work for over 360,000 (estimated) new permittees brought within the purview of the NPDES program by the National Cotton Council court. Adding sources to the NPDES program carries with it regulatory and administrative burdens for states beyond merely developing and then issuing permits. It goes without saying that a meaningful environmental regulatory program is more than a paper exercise. It is not just a permit. EPA and states must provide technical and compliance assistance,

monitoring, and as needed, enforcement. These 360,000 new permittees do not bring with them additional federal or state funding."

The threat of CWA liability depletes resources available to combat mosquitoes. NPDES permitting requirements bring with them the vulnerability for CWA citizen suits. Mosquito control authorities have to set aside resources to defend against potential litigation that could otherwise be used to combat mosquitoes and protect public health. In comments on the recent 2016 draft PGP reissuance, the Benton County Mosquito Control District in Washington state commented: The absence of lawsuits does not mean that Mosquito Control Districts (MCD's) have not been affected by the additional liability brought on by the NPDES permit requirement. Benton County Mosquito Control sets aside 20 percent of our annual budget in case we are party to a Clean Water Act related lawsuit. The federal facilities in my district are managed by the Army Corps of Engineers, and due to the increased liability that has been put on them, we (the applicator) have been asked to report to their agency on a weekly basis. This is an example of the unseen, ongoing administrative costs of the permit.

Similarly, according to the American Mosquito Control Association (AMCA), "California vector control districts estimate that it has cost them \$3 million" to conduct administration for NPDES PGPs. A few states away in Idaho, the Gem County Mosquito Abatement District was forced to spend ten years and \$450,000 (which is the District's entire annual budget) to resolve an activist lawsuit. The lawsuit was brought under the CWA's 3rd Party Citizen Suit Provision, which doesn't even require evidence of a misapplication of a pesticide or harm to the environment, but can still result in tying up funds that would otherwise be used to fight mosquitoes. AMCA estimates that the total diversion of taxpayer funds nationwide to unnecessary NPDES-PGP compliance is \$3 million annually. This does not include additional costs incurred by other commercial applicators performing public health spraying services to municipalities, home owners associations and the like.

Each of these problems would be fixed with the passage of H.R. 897, greatly increasing the funds available for governments to fight public health-threatening mosquitoes.

Municipal water works remove any harmful traces of pesticides from drinking water. Studies by USGS, EPA and states demonstrate that detectable traces of pesticides in source waters rarely exceed human health benchmarks. Public drinking water systems must meet Maximum Contaminant Levels (MCL) set by EPA for dozens of chemicals that may be present in source waters. This includes commonly used pesticides and their breakdown products. These standards are legally enforceable and another layer of regulation that mitigates potential human health risks from pesticide products.

NPDES PGP requirements limit the number of applicators able to perform timely pesticide application services. As a result, some applicators are shutting down their application businesses due to risk of frivolous lawsuit or PGP paperwork costs. Leonard Felix of Olathe Spray Service Inc. in Colorado, who testified in front of the House Small Business Committee, shut down his mosquito spraying operation because of the paperwork costs and for fear of frivolous lawsuits. Dean McLain, owner and operator of AG Flyers in Torrington, Wyoming, has similarly ceased mosquito control services.

Making the same point, John Salazar, Commissioner of the Colorado Department of Agriculture and former T&I member testi-

fied in 2011 to the T&I committee that "... the small businesses and public health entities that represent the majority of those required to obtain permits under this decision will face significant financial difficulties." He added "If Congress does not act, I fear agricultural producers and other pesticide users will be forced to defend themselves against litigation. I might also add that this uncertainty would likely increase the costs to state regulators. ... Depending on the increase in the cost of an application service or the difficulty to comply with all elements of the permit, there may be those who choose to not make pesticide applications at all."

—  
NATIONAL AGRICULTURAL  
AVIATION ASSOCIATION,  
May 23, 2016.

Hon. BOB GIBBS,  
*Chairman, Subcommittee on Water Resources  
and Environment, Committee on Transportation  
and Infrastructure, U.S. Senate.*

DEAR CHAIRMAN GIBBS: I am writing in support of H.R. 897, the Zika Vector Control Act. This legislation would eliminate a major unfunded mandate and regulatory hurdle that decreases our nation's ability to combat threatening mosquitoes that carry Zika and other viruses.

Following the U.S. Court of Appeals for the 6th Circuit case *National Cotton Council, et al. v. EPA, et al.*, pesticide users have been required to obtain a Clean Water Act National Pollutant Discharge Elimination System (NPDES) pesticide general permit (PGP) from the Environmental Protection Agency (EPA) or delegated states before spraying for mosquitoes.

The development of the PGP, processing of permit applications by the states, and application process to obtain the permit is very costly for state and local governments and pesticide applicators in the private sector.

Additional paperwork costs required under the NPDES PGP and the citizen action suit provision under the Clean Water Act results in frivolous litigation and hinder businesses that could otherwise perform necessary public health work. These stewards of public health face increased legal costs that require a reduction of valuable resources for mosquito abatement needed by small towns and big cities. This duplicative regulation has forced local governments to spend extremely large percentages of their mosquito abatement budgets on these NPDES permits. Costly federal red tape is making it financially impossible for some entities to spray for mosquitoes.

In the private sector, our members like Leonard Felix of Olathe Spray Service Inc. in Colorado, are being forced to shut down their mosquito abatement operations because of the costs of NPDES PGPs and potential associated lawsuits. Dean McLain, owner and operator of AG Flyers in Torrington, Wyoming, has similarly ceased mosquito control services. In other words, NPDES PGP requirements have reduced the number of small applicators able to perform mosquito abatement. Since small applicators make up 30 percent of America's mosquito abatement businesses, these requirements significantly reduce our nation's ability to fight Zika-carrying mosquitoes.

The worst part about these requirements is that they don't improve water quality. All pesticides that could be used under an NPDES PGP are already currently being reviewed and regulated by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This means each pesticide has undergone hundreds of millions of dollars in testing for impacts to aquatic species and water quality, including drinking water. There is no environmental or public health

benefit from the PGP requirement, and there is no risk in creating an exemption from this requirement.

There is, however, a real public health threat with Zika-carrying mosquitoes in the U.S. and this threat could be exacerbated if H.R. 897 is not enacted because the unnecessary and duplicative NPDES-PGP requirements have grounded small business applicators that are a vital component of public health spraying. The mosquitoes that are known to carry Zika thrive and are developing as far north as Maine. With these unnecessary regulatory barriers, local governments will have fewer funds and applicators to fight these pests.

By enacting H.R. 897, we can fight Zika and other dangerous viruses without additional cost to the American taxpayers by simply recognizing the duplicative permitting process for pesticides. This legislation would permanently free up funds for state and local governments to combat mosquitoes while allowing mosquito abatement businesses to focus on hiring employees instead of wrestling with regulatory red tape.

Thank you for combatting the spread of Zika, and for protecting public health and small businesses with the Zika Vector Control Act.

Sincerely,

ANDREW MOORE,  
*Executive Director.*

Mr. GIBBS. Madam Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from California has 12½ minutes remaining, and the gentleman from Ohio has 8 minutes remaining.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include in the RECORD a letter in opposition to H.R. 897 from 13 national environmental organizations. They are Earthjustice, League of Conservation Voters, Natural Resources Defense Council, Pacific Coast Federation of Fishermen's Association, San Francisco Baykeeper, Center for Biological Diversity, Clean Water Action, Defenders of Wildlife, Greenpeace, Beyond Pesticides, Southern Environmental Law Center, Sierra Club, and Friends of the Earth.

Re Oppose H.R. 897 ("Zika Vector Control Act").

MAY 16, 2016.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters nationwide, we urge you to oppose H.R. 897 ("Zika Vector Control Act"), which would eliminate Clean Water Act safeguards that protect our waterways and communities from excessive pesticide pollution. The Pesticide General Permit targeted in this legislation has been in place for nearly five years now and alarmist predictions by pesticide manufacturers and others about the impacts of this permit have failed to bear any fruit.

This bill is the same legislation that pesticide manufacturers and other special interests have been pushing for years. It will not improve nor impact spraying to combat Zika virus, contrary to the new, last-minute title given to the bill. The Pesticide General Permit at issue allows for spraying to combat vector-borne diseases such as Zika and the West Nile virus. According to the U.S. Environmental Protection Agency, the permit "provides that pesticide applications are

covered automatically under the permit and may be performed immediately for any declared emergency pest situations" (emphasis added).

Further, repealing the Pesticide General Permit—as this damaging legislation seeks to do—would allow pesticides to be discharged into water bodies without any meaningful oversight since the federal pesticide registration law (the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)) does not require tracking of such applications.

Now that the Pesticide General Permit is in place, the public is finally getting information that they couldn't obtain before about the types of pesticides being sprayed or discharged into local bodies of water. All across the country, pesticide applicators are complying with the Pesticide General Permit to protect water quality without issue.

Further, the Pesticide General Permit has no significant effect on farming practices. The permit in no way affects land applications of pesticides for the purpose of controlling pests. Irrigation return flows and agricultural stormwater runoff do not require permits, even when they contain pesticides. Existing agricultural exemptions in the Clean Water Act remain.

Nearly 150 human health, fishing, environmental, and other organizations have opposed efforts like H.R. 897 that would undermine Clean Water Act permitting for direct pesticide applications to waterways. We attach a list of these groups for your reference, as well as a one-page fact sheet with more information on the issue.

The Pesticide General Permit simply lays out commonsense practices for applying pesticides directly to waters that currently fall under the jurisdiction of the Clean Water Act. Efforts to block this permit are highly controversial, as evidenced by the attached list of groups opposed.

Please protect the health of your state's citizens and all Americans by opposing H.R. 897.

Sincerely,

Earthjustice; League of Conservation Voters; Natural Resources Defense Council; Pacific Coast Federation of Fishermen's Associations; Sierra Club; San Francisco Baykeeper; Center for Biological Diversity; Southern Environmental Law Center; Clean Water Action; Defenders of Wildlife; Greenpeace; Beyond Pesticides; Friends of the Earth.

Mrs. NAPOLITANO. Madam Speaker, during the debate on H.R. 897 last week, it was suggested that the recordkeeping requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA, were equal to or exceeding those required under the Clean Water Act permit. We checked with EPA and found a very different story.

First, contrary to suggestions otherwise, all private pesticide applicators are not required to keep any pesticide applications under FIFRA or its implementing regulations. Only commercial application of restricted-use pesticides are required to keep application records under FIFRA recordkeeping requirements.

Second, pesticide application records do not have to be filed with the EPA, any State or tribal agency, or person. They are only required to keep and be maintained at a place where pesticides are used, and available for inspection upon request by an authorized regulatory representative.

Yet, in contrast to the clean water requirements, the FIFRA application records are not publicly available. While in some States applicators can be required by State or regulation to lead to more robust recordkeeping requirements, it is not accurate to say those are required under FIFRA.

So in sum, FIFRA requires far fewer pesticide applicators to keep any records, does not require that these records be filed with the Federal, State, or tribal regulatory agency, and does not make these records publicly available.

In my view, then, it is not accurate to say that the recordkeeping requirements of FIFRA and the Clean Water Act are synonymous.

Madam Speaker, I reserve the balance of my time.

Mr. GIBBS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, just to respond a little bit, the EPA sets the label requirements. It sets all the requirements for the certified applicators. And to apply a restricted pesticide, you have to be a certified applicator.

Now, ironically, here, the EPA is the agency, the regulator, that can set what is restricted. In most cases what we are talking about here is the pesticides being used to control mosquitoes and stuff are restricted pesticides, and the certified applicators have to keep records. The regulators can come in and check those records. Those records consist of the date you applied the pesticide, the time of day, the wind speed, the temperature, the humidity—all sorts of things—and, obviously, the location. And so the EPA controls this under FIFRA, and they can come in and require to see those records if there is a problem, and they have absolute control of what is restricted and what is not restricted, and they can add to that list. They have full, broad ability to do that under FIFRA under the current law.

So I want to make that known—that you don't go out and apply restricted pesticides haphazardly. You just open yourself up to all kinds of legal problems and regulatory problems. It is an erroneous argument that that is going to happen.

Madam Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I listened to the arguments, and I hope that, for the fifth time, this measure is opposed and rejected.

I think of California and its many rivers and streams that are heavily impacted by the pollution of pesticides and herbicides, and I urge my colleagues to consider that this could happen in their area, too.

I ask my colleagues to join me in opposing H.R. 897.

Madam Speaker, I yield back the balance of my time.

□ 1630

Mr. GIBBS. Madam Speaker, I really urge my colleagues to support this bill

for several reasons. We need to make sure that we give our local communities and our States all the tools in that tool chest to fight this virus because this could reach epidemic proportions this summer. If we don't do that, it is on us.

What we tried to do here on this bill—viruses, they kind of run a course, and they go through that. We went through it with Ebola and other things. You have seen it with swine flu and other things.

During this virus running its course, we should do everything we can to try to mitigate the effects and the impact to the public's health and safety. So one thing we did in this bill is we put a 2-year sunset provision. So on September 30 of 2018, this provision, H.R. 897, expires. It sunsets.

So, really, to attack the issue here, while this disease runs its course—and, hopefully, it runs its course and we do the right thing and mitigate it by providing the resources to our local communities and our States to fight it; to provide for research, which we are doing in our bill that we passed last week; and, also, to give them the tools so they can spend all the money they have on the mosquito control programs and not on administration and paperwork.

That court decision back in the mid-2000s was a bad court decision. It added redtape and duplication and is delaying preventive programs from mosquito control. We know that. We have examples of that.

We saw the numbers of West Nile a couple of years ago just explode in West Nile cases because those mosquito programs weren't doing what they were supposed to be doing, because it is important to get in there and attack the issue early, kill the larvae before they grow mosquitoes.

So this is a commonsense bill that gives an additional tool to our local communities and States to fight that.

This argument that applicators go out and just haphazardly apply pesticides and chemicals is just playing on people's emotions. It is just not true.

First of all, these pesticides aren't cheap. They are expensive, and we try to use them in limited amounts to do the best thing.

Under FIFRA, a certified pesticide applicator, like I said, has to document everything they do, and those documents have to be made readily available if their regulator—in this case, the EPA—comes in and says they want to see them.

So if there is an issue with some waterbody, they can come in and find out. We saw that in that spill that was mentioned back in the 1990s in Oregon. That was a spill. It was done by either incompetence or not by a certified applicator. We also got reports that certain irrigation gates were open. Things just didn't happen the way they were supposed to happen.

The NPS permit would not have prevented that spill. We need to make sure

that we do everything we can and give the tools to communities to protect the environment, foster and protect public health, and not have to wait to do an emergency declaration and do aerial spraying and everything else.

Let's get those preventive programs going, and then we will give them the resources to do that and head off this potential epidemic before it occurs and protect the safety of our citizens.

I urge my colleagues to support H.R. 897.

Madam Speaker, I yield back the balance of my time.

Mr. GIBBS. Madam Speaker, I submit the following letters of support that we received for the bill last week:

A letter from nearly 100 organizations supporting H.R. 897, including: the National Association of State Departments of Agriculture, the National Farmers Union, the Ohio Professional Applicators for Responsible Regulation, the Pesticide Policy Coalition, and the National Council of Farmer Cooperatives.

The National Pest Management Association. Responsible Industry for a Sound Environment.

The American Farm Bureau Federation.

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 17, 2016.

DEAR MEMBER OF CONGRESS: The nearly one hundred undersigned organizations urge your support for HR 897, the Zika Vector Control Act, which the House will consider today under suspension of the rules.

Pesticide users, including those protecting public health from mosquito borne diseases, are now subjected to the court created requirement that lawful applications over, to or near 'waters of the U.S.' obtain a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit from the Environmental Protection Agency (EPA) or delegated states. HR 897 would clarify that federal law does not require this redundant permit for already regulated pesticide applications.

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), all pesticides are reviewed and regulated for use with strict instructions on the EPA approved product label. A thorough review and accounting of impacts to water quality and aquatic species is included in every EPA review. Requiring water permits for pesticide applications is redundant and provides no additional environmental benefit.

Compliance with the NPDES water permit also imposes duplicative resource burdens on thousands of small businesses and farms, as well as the municipal, county, state and federal agencies responsible for protecting natural resources and public health. Further, and most menacing, the permit exposes all pesticide users—regardless of permit eligibility—to the liability of CWA-based citizen law suits.

In the 112th Congress, the same Reducing Regulatory Burdens Act—then HR 872—passed the House Committee on Agriculture and went on to pass the House of Representatives on suspension. In the 113th Congress, the legislation—then HR 935—passed the both the House Committees on Agriculture and Transportation & Infrastructure by voice vote, and again, the House of Representatives.

The water permit threatens the critical role pesticides play in protecting human health and the food supply from destructive and disease-carrying pests, and for managing invasive weeds to keep open waterways and shipping lanes, to maintain rights of way for

transportation and power generation, and to prevent damage to forests and recreation areas. The time and money expended on redundant permit compliance drains public and private resources. All this for no measureable benefit to the environment. We urge you to remove this regulatory burden by voting "YES" on HR 897, the Zika Vector Control Act.

Sincerely,

Agribusiness Council of Indiana; Agribusiness & Water Council of Arizona; Agricultural Alliance of North Carolina; Agricultural Council of Arkansas; Agricultural Retailers Association; Alabama Agribusiness Council; American Farm Bureau Federation; Alabama Farmers Federation; American Mosquito Control Association; American Soybean Association; AmericanHort; Aquatic Plant Management Society; Arkansas Forestry Association; Biopesticide Industry Alliance; California Association of Winegrape Growers; California Specialty Crops Council; Cape Cod Cranberry Growers Association; The Cranberry Institute; CropLife America; Council of Producers & Distributors of Agrotechnology.

Family Farm Alliance; Far West Agribusiness Association; Florida Farm Bureau Federation; Florida Fruit & Vegetable Association; Georgia Agribusiness Council; Golf Course Superintendents Association of America; Hawaii Cattlemen's Council; Hawaii Farm Bureau Federation; Idaho Grower Shippers Association; Idaho Potato Commission; Idaho Water Users Association; Illinois Farm Bureau; Illinois Fertilizer & Chemical Association; Kansas Agribusiness Retailers Association; Louisiana Cotton and Grain Association; Louisiana Farm Bureau Federation; Maine Potato Board; Michigan Agribusiness Association; Minnesota Agricultural Aircraft Association; Minnesota Crop Production Retailers.

Minnesota Pesticide Information & Education; Minor Crops Farmer Alliance; Missouri Agribusiness Association; Missouri Farm Bureau Federation; Montana Agricultural Business Association; National Agricultural Aviation Association; National Alliance of Forest Owners; National Alliance of Independent Crop Consultants; National Association of State Departments of Agriculture; National Association of Wheat Growers; National Corn Growers Association; National Cotton Council; National Council of Farmer Cooperatives; National Farmers Union; National Pest Management Association; National Potato Council; National Rural Electric Cooperative; Association National Water Resources Association; Nebraska Agri-Business Association; North Carolina Agricultural Consultants Association.

North Carolina Cotton Producers Association; North Central Weed Science Society; North Dakota Agricultural Association; Northeast Agribusiness and Feed Alliance; Northeastern Weed Science Society; Northern Plains Potato Growers Association; Northwest Horticultural Council; Ohio Professional Applicators for Responsible Regulation; Oregon Potato Commission; Oregonians for Food & Shelter; Pesticide Policy Coalition; Plains Cotton Growers, Inc.; Professional Landcare Network; RISE (Responsible Industry for a Sound Environment); Rocky Mountain Agribusiness Association; SC Fertilizer Agrichemicals Association;

South Dakota Agri-Business Association; South Texas Cotton and Grain Association; Southern Cotton Growers, Inc.; Southern Crop Production Association.

Southern Rolling Plains Cotton Growers; Southern Weed Science Society; Sugar Cane League; Texas Ag Industries Association; Texas Vegetation Management Association; United Fresh Produce Association; U.S. Apple Association; USA Rice Federation; Virginia Agribusiness Council; Virginia Forestry Association; Washington Friends of Farm & Forests; Washington State Potato Commission; Weed Science Society of America; Western Growers; Western Plant Health Association; Western Society of Weed Science; Wild Blueberry Commission of Maine; Wisconsin Farm Bureau Federation; Wisconsin Potato and Vegetable Growers Association; Wisconsin State Cranberry Growers Association; Wyoming Ag Business Association; Wyoming Crop Improvement Association; Wyoming Wheat Growers Association.

NATIONAL PEST MANAGEMENT ASSOCIATION

DEAR REPRESENTATIVE: I am writing to you today as a pest management professional requesting your support for H.R. 897, the Zika Vector Control Act. H.R. 897 is scheduled to be considered by the full House of Representatives tomorrow, May 17. H.R. 897 would suspend the need to obtain unnecessary and burdensome permits, allowing our industry to better protect you from the mosquitoes that transmit the Zika virus.

Zika is an emerging mosquito-borne virus that currently has no specific medical treatment or vaccine. Zika virus is spread through the bite of infected mosquitoes in the Aedes genus, the same mosquitoes that carry dengue fever and chikungunya. The Zika virus causes mild flu-like symptoms in about 20 percent of infected people, but the main concern among leading health organizations is centered on a possible link between the virus and microcephaly, a birth defect associated with underdevelopment of the head and brain, resulting in neurological and developmental problems. The World Health Organization (WHO) recently declared Zika virus a global health emergency.

Currently, pest management professionals who apply even small amounts of pesticides in and around lakes, rivers and streams to protect public health and prevent potential disease outbreaks are required to obtain an additional, redundant and burdensome National Pollutant Discharge Elimination System (NPDES) permit prior to application. Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), all pesticides are reviewed and regulated for use with strict instructions on the U.S. Environmental Protection Agency (EPA) approved product label. A thorough review and accounting of impacts to water quality and aquatic species is included in every EPA review. Requiring water permits for pesticide applications is redundant and provides no additional environmental benefit.

Pest management professionals are on the front lines of protecting the public, using a variety of tools, including pesticides. Requiring pest management applicators to obtain an NPDES permit to prevent and react to potential disease outbreaks wastes valuable time against rapidly moving and potentially deadly pests. Water is the breeding ground for many pests.

The pest management industry strongly urges you temporarily remove this regulatory burden and help us protect people

throughout your community from mosquitoes that transmit dangerous and deadly diseases, like Zika, by voting YES on H.R. 897, the Zika Vector Control Act.

RESPONSIBLE INDUSTRY FOR  
A SOUND ECONOMY,  
Washington, DC, May 17, 2016.

Hon. BOB GIBBS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE GIBBS: Thank you for re-introducing the H.R. 897. RISE (Responsible Industry for a Sound Environment) is a national not-for-profit trade association representing producers and suppliers of specialty pesticides including products used to control mosquitoes and invasive aquatic weeds.

For most of the past four decades, water quality concerns from pesticide applications were addressed within the registration process under the Federal Insecticide, Fungicide and Rodenticide Act (FIERA) rather than a Clean Water Act permitting program. Due to a 2009 decision of the 6th Circuit U.S. Court of Appeals, Clean Water Act National Pollution Discharge Elimination System Permits (NPDES) have been required since 2011 for aquatic pesticide applications. NPDES permits do not provide any identifiable additional environmental benefits, but add significant costs and paperwork requirements which make it more expensive to protect people from mosquitoes that can vector the Zika Virus, West Nile Virus, Dengue Fever and other viruses. Permits also make it more expensive to control invasive aquatic plants that over take our waterways and impede endangered species habitat.

H.R. 897 would clarify that duplicative NPDES permits are not needed for the application of EPA approved pesticides. The elimination of these permits will speed response to public health and other pest pressures, save resources for, states, municipalities, and communities. We support this legislation look forward to working with you and your colleagues to advance this legislation.

Sincerely,

AARON HOBBS,  
President.

AMERICAN FARM  
BUREAU FEDERATION,  
Washington, DC, May 16, 2016.

Hon.,  
House of Representatives,  
Washington, DC.

DEAR MEMBERS OF CONGRESS: Later this week, the House will vote on legislation that clarifies congressional intent regarding regulation of the use of pesticides for control of exotic diseases such as Zika virus and West Nile virus, as well as for other lawful uses in or near navigable waters. The American Farm Bureau Federation (AFBF) strongly supports the Zika Vector Control Act of 2016 and urges all members of Congress to support this legislation.

AFBF represents rural areas nationwide that will be impacted by the spread of dangerous exotic diseases like Zika. The only control measure at this time is vector control. Our members are aware that local mosquito control districts face tight budgets and are concerned with the operational disruptions and increased costs associated with unnecessary and duplicative permitting requirements. Any disruption in vector control will expose a large portion of Farm Bureau members to mosquitos that may carry diseases like Zika and West Nile virus.

We urge all committee members to vote in favor of the "Zika Vector Control Act of 2016."

Thank you very much for your support.  
Sincerely,

ZIPPY DUVALL,  
President.

Ms. JACKSON LEE. Madam Speaker, I rise to speak in support of full funding for the Zika Response Appropriations, because the House appropriations measure fell short of what is needed to aggressively address the enormity of the Zika Virus threat to the Americas and the United States, with particular concern for Puerto Rico the House needs to act.

I thank President Obama for his leadership in requesting \$1.9 billion to address the threat of the Zika Virus, and facing congressional delay he took funds from Ebola response to prepare the nation to face the Zika Virus threat.

Let us not forget—Ebola was on our doorstep last year before Congress acted and there are still Ebola hot spots that are occurring, which have to be addressed, but we now lack the resources to deal with that ever present threat.

I am committed to doing everything I can to address the threat of Zika Virus, but I am not supportive of tricks or misguided strategies to get legislation to the House floor in the name of Zika prevention that will do too little; and funding that will abruptly end on September 30, 2016.

As the founder and Chair of the Children's Caucus and a senior member of the House Committee on Homeland Security, I am acutely aware of how dangerous the Zika Virus is to women who may be pregnant or may become pregnant should they be exposed to the disease.

Houston, Texas, like many cities, towns, and parishes along the Gulf Coast, has a tropical climate hospitable to mosquitoes that carry the Zika Virus like parts of Central and South America, as well as the Caribbean.

For this reason, I am sympathetic to those members who have districts along the Gulf Coast.

These Gulf Coast areas, which include Houston, the third largest city in the nation, are known to have both types of the Zika Virus carrying mosquitoes: the Aedes Aegypti and the Asian Tiger Mosquito; which is why I held a meeting in Houston on March 10, 2016 about this evolving health threat.

I convened this meeting with Houston, Harris County and State officials at every level of responsibility to combat the Zika Virus and to discuss preparations that would mitigate it.

The participants included Dr. Peter Hotez, Dean of the National School of Tropical Medicine and Professor of Pediatrics at Baylor College of Medicine and Dr. Dubboun, Director of the Harris County Public Health Environmental Services Mosquito Control Division who gave strong input on the critical need to address the threat on a multi-pronged approach.

The potential for the Zika Virus outbreaks in the United States if we do not act is real, and the people on the front lines are state and local governments who must prepare for mosquito season, establish community oriented education campaigns, provide Zika Virus prevention resources to women who live in areas where poverty is present, and environmental remediation of mosquito breeding near where people live.

The assumption that everyone has air conditioning; window and door screens that are in good repair or present at all; does not take

into consideration the pockets of poverty that are present in every major city including many towns, counties, parishes, and cities along the Gulf Coast.

The 18th Congressional District of Texas, which I represent, has a tropical climate and is very likely to confront the challenge of Zika Virus carrying mosquitoes before mosquito season ends in the fall.

Dr. Dubboun, Director of the Harris County Public Health Environmental Services Mosquito Control Division stressed that we cannot spray our way out of the Zika Virus threat.

He was particularly cautious about the over use of spraying because of its collateral threat to the environment and people.

We should not forget that Flint, Michigan was an example of short-sighted thinking on the part of government decision makers, which resulted in the contamination of that city's water supply.

The participants in the meeting I held in Houston represented the senior persons at every state and local agency with responsibility for Zika Virus response.

The expert view of those present was that we need a unity of effort plan to address the Zika Virus in the Houston and Harris County area that will include every aspect of the community.

The collective wisdom of these experts revealed that we should not let the fear of the Zika Virus control public policy.

Instead we should get in front of the problem, then we can control the Zika Virus from its source—targeting mosquito breeding environments.

The real fight against the Zika Virus will be fought neighborhood by neighborhood and will rely upon the resources and expertise of local government working closely with State governments supported by federal government agencies.

The consensus of Texas, Houston, and Harris County experts is that we make significant strides to stay ahead of the arrival of mosquito transmission of Zika Virus if we act now.

The CDC said that for the period January 1, 2015 to May 11, 2016, the number of cases are as follows:

#### THE UNITED STATES

Travel-associated cases reported: 503; Locally acquired through mosquito bites reported: 0; Total: 503.

Pregnant: 48; Sexually transmitted: 10; Guillain-Barré syndrome: 1.

#### U.S. TERRITORIES

Travel-associated cases reported: 3; Mosquito acquired cases reported: 698; Total: 701. Pregnant: 65; Guillain-Barré syndrome: 5.

There are 49 countries and territories in our hemisphere where mosquito borne transmission of the Zika Virus is the primary way the virus is spread include:

American Samoa; Aruba; Belize; Barbados; Bolivia; Brazil; Bonaire; Cape Verde; Central America; Colombia; Costa Rica; Cuba; Curaçao; Dominica; Dominican Republic; El Salvador; Ecuador; Fiji; French Guiana; Grenada; the Grenadines; Guatemala; Guadeloupe; Haiti; Honduras; Islands Guyana; Jamaica; Martinique; Kosrae (Federated States of Micronesia); Marshall Islands; Mexico; Nicaragua; New Caledonia; the Commonwealth of Puerto Rico; Panama; Papua New Guinea; Paraguay; Peru; Samoa, a U.S. territory; Saint Barthelemy; Saint Lucia; Saint Martin; Saint Vincent; Saint Maarten; Suriname; Tonga;

Trinidad and Tobago; U.S. Virgin Islands, Venezuela and particular note is made by the CDC by listing the 2016 Summer Olympics (Rio 2016) separately.

As of May 11, 2016, there were more than 1,200 confirmed Zika cases in the continental United States and U.S. Territories, including over 110 pregnant women with confirmed cases of the Zika virus.

The Zika virus is spreading in Puerto Rico, the U.S. Virgin Islands, American Samoa and abroad, and there will likely be mosquito-borne transmission within the continental United States in the coming summer months.

The most important approach to control the spread of Zika Virus is poverty and the conditions that may exist in poor communities can be of greatest risk for the Zika Virus breeding habitats for vector mosquitoes.

The spread of disease is opportunistic—Zika Virus is an opportunistic disease that is spread by 2 mosquitoes out of the 57 varieties.

We should be planning to fight those 2 mosquitoes in a multi-pronged way with every resource we can bring to the battle.

Poverty is where the mosquito will find places to breed in great numbers, but these mosquitoes will not be limited to low income areas nor does the disease care how much someone earns.

The Aedes Aegypti or Yellow Fever mosquito has evolved to feed on people for the blood needed to lay its eggs.

This mosquito can breed in as little as a cap of dirty water; it will breed in aquariums in homes; plant water catching dishes; the well of discarded tires; puddles or pools of water; ditches; and children's wading pools.

Although water may evaporate mosquito eggs will remain viable and when it rains again or water is placed where they are in contact with eggs the process for mosquitoes development resumes.

The enablers of Zika Virus are those who illegally dump tires; open ditches, torn screens, or no screens; tropical climates that create heat and humidity that force people without air conditioning to open windows or face heat exhaustion.

It might be hard for people who do not live in the tropical climates along the Gulf Coast to understand what a heat index is—it is a combination of temperature and humidity, which can mean that temperatures in summer are over 100 degrees.

Zika Virus Prevention Kits like those being distributed in Puerto Rico, which are vital to the effort there to protect women, will be essential to the fight against Zika Virus along the Gulf Coast.

These kits should include mosquito nets for beds.

Bed nets have proven to be essential in the battle to reduce malaria by providing protection and reducing the ability of biting insects to come in contact with people.

Mosquito netting has fine holes that are big enough to allow breezes to easily pass through, but small enough to keep mosquitoes and other biting insects out.

The kits should also include DEET mosquito repellent products that can be sprayed on clothing to protect against mosquito bites.

Madam Speaker, there is no need to be alarmed, but we should be preparing aggressively so that this nation does not have a recurrence of what happened during the Ebola crisis—when the Federal government

seemed unprepared because this Congress was unmoved by the science, until domestic transmission of the disease were recorded.

The Zika Virus is a neurogenic virus that can attack the brain tissue of children in their mother's womb.

The Zika Virus will be difficult to detect and track in all cases because 4 in 5 people who get the disease will have no symptoms.

We know that 33 states have one or both of the vector mosquitoes.

Dr. Peter Hotez said that we can anticipate that the Americas including the United States can expect 4 million Zika Virus cases in the next four months and to date there are over a million cases in Brazil.

The virus has been transmitted through sexual contact.

We know that the evidence of the Zika Virus in newborns in the United States may not become apparent until we are in the late fall or winter of next year.

The most serious outcome the Zika Virus exposure is birth defects that can occur during pregnancy if the mother is exposed to the Zika Virus.

Infections of pregnant women can result in: Still births;

The rate of Microcephaly based on Zika Virus exposure far exceeds that number.

Microcephaly is brain underdevelopment either at birth or the brain failing to develop properly after birth, which can cause:

Difficulty walking;  
Difficulty hearing; and  
Difficulty with speech.

Researchers and scientists at the CDC; NIH and HHS do not know how the disease attacks the nervous system of developing babies.

They cannot answer what the long term health prospects are for children born with such a severe brain birth defect.

They have not discovered the right vaccine to fight the disease—which requires care to be sure that it is safe and effective especially in pregnant women or women who may become pregnant.

They do not know what plan will work and to what degree if a tight network of mosquito control is established in areas most likely to have the Zika Virus carrying mosquitoes.

How the Zika Virus may evolve over time and what they may mean for human health.

I urge my colleagues to reject anything less than full support of the President's request for \$1.9 billion to fight the Zika Virus threat.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 742, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. RUIZ. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RUIZ. I am opposed in its current form, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ruiz moves to recommit the bill H.R. 897 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following:

#### SEC. 4. PROTECTING PREGNANT WOMEN AND CHILDREN FROM PESTICIDES KNOWN OR SUSPECTED TO CAUSE ADVERSE HEALTH IMPACTS ON PREGNANT WOMEN, FETAL GROWTH, OR EARLY CHILDHOOD DEVELOPMENT.

This Act, and the amendments made by this Act, shall not apply to the discharge of a pesticide if there is evidence, based on peer-reviewed science, that the pesticide is known or suspected to—

(1) cause adverse health effects on pregnant women;

(2) cause adverse impacts to fetal growth or development; or

(3) cause adverse impacts on early childhood development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. RUIZ. Madam Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Madam Speaker, I offer this amendment because I recognize the critical need to protect women, infants, and developing children from the harmful impact of pesticides.

The underlying bill, the so-called Zika Vector Control Act, is a farce designed to play on public fears over Zika. It has nothing to do with combating Zika.

In fact, Republicans have been pushing the text of the underlying legislation for years under whatever name happens to be convenient at the time.

Otherwise known as the pesticide Trojan horse bill, this legislation attempts to gut our ability to track and report when and where harmful pesticides are sprayed.

Without oversight compliance, physicians and scientists are less able to track and identify the cluster of symptoms caused by pesticides which, in turn, reduces their ability to protect the public's health.

I know, as a physician and public health expert, that pesticides can have serious toxic impacts on human health particularly for women and children.

Pesticides can endanger women and unborn children, cause malformation in infants, hinder early childhood development, endanger reproductive health, and cause cancer.

Madam Speaker, I speak as a physician, but I also speak as the son of farm workers. The underlying bill could expose already vulnerable populations to greater risks of contamination from pesticides. Farm workers would be harmed by the unmonitored use of these harmful pesticides.

No oversight of compliance can harm the public's health. That is why I am offering this commonsense amendment to protect the health safety of our communities and our women and children.

Instead of actually working to control the spread of one public health crisis, the Zika virus, this bill could make another public health problem even worse.

Rather than spending our time on this bill that does nothing to strengthen Zika prevention efforts across the country, we should be working to pass legislation to fully fund efforts to contain and stop the virus before we adjourn.

Madam Speaker, last week we voted on an inadequate and unconscionable Zika funding bill that I opposed. That bill funded only one-third of the request from public health experts.

In medicine, you don't just partially treat a patient. That is called malpractice. You don't take out just a third of the cancer. You don't just give a third of the antibiotic dose for severe pneumonia.

Time is running out. It is past due, Madam Speaker, for you to do your job, protect American families, and fully address the Zika virus threat.

This underlying bill does not contain a dime in funding and no authority to protect public health from the spread of the Zika virus. It is an unnecessary bill because vector control agencies already have the authority to use pesticides under a public health emergency like the spread of the Zika virus epidemic.

So instead of pushing this Trojan horse, which could actually expose vulnerable communities to serious health risks, let's fully fund efforts to protect American families from Zika.

I urge you to vote "yes" to protect the health and safety of women and children in this country and to demand that we fully fund efforts to combat the spread of the Zika virus before it is too late.

Madam Speaker, I yield back the balance of my time.

Mr. GIBBS. Madam Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. GIBBS. Madam Speaker, this motion to recommit is unnecessary. The underlying bill, H.R. 897, eliminates the duplicative, expensive, and unnecessary permit process and helps free up resources for States, counties, and local governments to better combat the spread of Zika. But this motion, in effect, aims to undermine those efforts.

There are already adequate protections built in the FIFRA law. The FIFRA review process can restrict or deny. The process is rigorous and requires the EPA to evaluate the human health and environmental effects of pesticides prior to allowing their use.

EPA goes through their process. If there is any risk to the environment or human health, a pesticide will not get registered with an approved label. There won't be a label. It is that simple. It will be a restricted pesticide and won't be approved for use.

There are already enough protections in the current FIFRA law. So all this redundancy is just plain unnecessary. So we need to move ahead and stop creating unnecessary roadblocks and use the products that we have to protect the public.

The argument about harming farm workers is just unbelievable, too, because EPA controls the label. If it is restricted pesticides—which EPA can make all pesticides restricted. It has to be a certified applicator.

So any farm worker has to be under the supervision of a certified applicator, and we have that in effect. So farm workers are not harmed from this. The FIFRA law is adequate.

H.R. 897 is a good bill that will help protect pregnant women and stop mosquitos before they spread the Zika virus to vulnerable populations.

I strongly oppose the motion to recommit, and I urge my colleagues to vote "no."

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RUIZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, and the order of the House of today, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 897, if ordered, and the motion to concur in the Senate amendment to H.R. 2576 with an amendment.

The vote was taken by electronic device, and there were—yeas 182, nays 232, not voting 19, as follows:

[Roll No. 236]

YEAS—182

Adams	Cleaver	Farr
Aguilar	Clyburn	Foster
Ashford	Cohen	Frankel (FL)
Beatty	Connolly	Fudge
Becerra	Conyers	Gabbard
Bera	Cooper	Gallego
Beyer	Courtney	Garamendi
Bishop (GA)	Crowley	Graham
Blum	Cuellar	Grayson
Blumenauer	Cummings	Green, Al
Bonamici	Davis (CA)	Green, Gene
Boyle, Brendan F.	Davis, Danny	Grijalva
Brady (PA)	DeFazio	Gutiérrez
Brown (FL)	DeGette	Hahn
Brownley (CA)	Delaney	Hastings
Bustos	DeLauro	Heck (WA)
Butterfield	DeBene	Higgins
Capps	DeSaulnier	Himes
Capuano	Deutch	Hinojosa
Cárdenas	Dingell	Honda
Carney	Doggett	Hoyer
Carson (IN)	Doyle, Michael F.	Huffman
Cartwright	Duckworth	Israel
Castor (FL)	Duncan (TN)	Jeffries
Chu, Judy	Edwards	Johnson (GA)
Ciilline	Ellison	Johnson, E. B.
Clark (MA)	Engel	Jones
Clarke (NY)	Eshoo	Kaptur
Clay	Esty	Keating
		Kelly (IL)

Kennedy	Meng	Schiff
Kildee	Moore	Schrader
Kilmer	Moulton	Scott (VA)
Kind	Murphy (FL)	Scott, David
Kirkpatrick	Nadler	Serrano
Kuster	Napolitano	Sewell (AL)
Langevin	Neal	Sherman
Larsen (WA)	Nolan	Sinema
Larson (CT)	Norcross	Sires
Lawrence	Pallone	Slaughter
Lee	Pascarella	Smith (WA)
Levin	Payne	Speier
Lewis	Pelosi	Swalwell (CA)
Lieu, Ted	Perlmutter	Takano
Lipinski	Peters	Thompson (CA)
Loebach	Peterson	Thompson (MS)
Lofgren	Pingree	Titus
Lowenthal	Pocan	Tonko
Lowey	Polis	Torres
Lujan Grisham (NM)	Price (NC)	Tsongas
Luján, Ben Ray (NM)	Quigley	Van Hollen
Lynch	Rangel	Vargas
Maloney, Carolyn	Rice (NY)	Veasey
Maloney, Sean	Richmond	Vela
Matsui	Roybal-Allard	Velázquez
McCollum	Ruiz	Visclosky
McDermott	Ruppersberger	Walz
McGovern	Rush	Wasserman
McNerney	Ryan (OH)	Schultz
Meeks	Sánchez, Linda T.	Watson Coleman
	Sarbanes	Welch
	Schakowsky	Wilson (FL)
		Yarmuth

NAYS—232

Abraham	Fox	McCaul
Aderholt	Franks (AZ)	McClintock
Amash	Frelinghuysen	McHenry
Amodel	Garrett	McKinley
Babin	Gibbs	McMorris
Barletta	Gibson	Rodgers
Barr	Gohmert	McSally
Barton	Goodlatte	Meadows
Benishek	Gosar	Meehan
Bilirakis	Gowdy	Messer
Bishop (MI)	Graves (GA)	Mica
Bishop (UT)	Graves (LA)	Miller (FL)
Black	Graves (MO)	Moolenaar
Blackburn	Griffith	Mooney (WV)
Bost	Grothman	Mullin
Boustany	Guinta	Mulvaney
Brady (TX)	Guthrie	Murphy (PA)
Brat	Hanna	Neugebauer
Bridenstine	Hardy	Newhouse
Brooks (AL)	Harper	Noem
Brooks (IN)	Harris	Nugent
Buchanan	Hartzer	Nunes
Buck	Heck (NV)	Olson
Bucshon	Hensarling	Palazzo
Burgess	Hice, Jody B.	Palmer
Byrne	Hill	Paulsen
Calvert	Holding	Pearce
Carter (GA)	Hudson	Perry
Carter (TX)	Hultgren	Pittenger
Chabot	Hunter	Pitts
Chaffetz	Hurd (TX)	Poe (TX)
Clawson (FL)	Hurt (VA)	Poliquin
Coffman	Issa	Pompeo
Cole	Jenkins (KS)	Posey
Collins (NY)	Jenkins (WV)	Price, Tom
Comstock	Johnson (OH)	Ratcliffe
Conaway	Johnson, Sam	Reed
Cook	Jolly	Reichert
Costa	Jordan	Renacci
Costello (PA)	Joyce	Ribble
Cramer	Katko	Rice (SC)
Crawford	Kelly (MS)	Rigell
Crenshaw	Kelly (PA)	Roby
Culberson	King (IA)	Roe (TN)
Curbelo (FL)	King (NY)	Rogers (AL)
Davis, Rodney	Kinzing (IL)	Rogers (KY)
Denham	Kline	Rohrabacher
Dent	Knight	Rokita
DeSantis	Labrador	Rooney (FL)
DesJarlais	LaHood	Ros-Lehtinen
Diaz-Balart	LaMalfa	Roskam
Dold	Lamborn	Ross
Donovan	Lance	Rothfus
Duffy	Latta	Rouzer
Duncan (SC)	LoBiondo	Royce
Ellmers (NC)	Long	Russell
Emmer (MN)	Love	Salmon
Farenthold	Lucas	Sanford
Fitzpatrick	Luetkemeyer	Scalise
Fleischmann	Lummis	Schweikert
Fleming	MacArthur	Sensenbrenner
Flores	Marchant	Sessions
Forbes	Marino	Shimkus
Fortenberry	McCarthy	Shuster

Simpson	Turner	Whitfield	Hurd (TX)	Moolenaar	Scott, David	Schakowsky	Takano	Velázquez
Smith (MO)	Upton	Williams	Hurt (VA)	Mooney (WV)	Sensenbrenner	Schiff	Thompson (CA)	Visclosky
Smith (NE)	Valadao	Wilson (SC)	Issa	Mullin	Sessions	Scott (VA)	Thompson (MS)	Wasserman
Smith (NJ)	Wagner	Wittman	Jenkins (KS)	Mulvaney	Sewell (AL)	Serrano	Titus	Schultz
Smith (TX)	Walberg	Womack	Jenkins (WV)	Murphy (PA)	Shimkus	Sherman	Tonko	Watson Coleman
Stefanik	Walden	Woodall	Johnson (OH)	Neugebauer	Shuster	Sires	Torres	Welch
Stewart	Walker	Yoder	Johnson, Sam	Newhouse	Simpson	Slaughter	Tsongas	Wilson (FL)
Stivers	Walorski	Yoho	Jolly	Noem	Sinema	Smith (WA)	Van Hollen	Yarmuth
Stutzman	Walters, Mimi	Young (AK)	Jones	Nolan	Smith (MO)	Speier	Vargas	
Thompson (PA)	Weber (TX)	Young (IA)	Jordan	Nugent	Smith (NE)	Swalwell (CA)	Veasey	
Thornberry	Webster (FL)	Young (IN)	Joyce	Nunes	Smith (NJ)			
Tiberi	Wenstrup	Zeldin	Katko	Olson	Smith (TX)			
Tipton	Westerman	Zinke	Kelly (MS)	Palazzo	Stefanik			
Trott	Westmoreland		Kelly (PA)	Palmer	Stewart			

## NOT VOTING—19

Allen	Herrera Beutler	O'Rourke
Bass	Huelskamp	Sanchez, Loretta
Castro (TX)	Huizenga (MI)	Scott, Austin
Collins (GA)	Jackson Lee	Takai
Fattah	Loudermilk	Waters, Maxine
Fincher	Massie	
Granger	Miller (MI)	

## □ 1703

Messrs. RATCLIFFE, FITZPATRICK, HURD of Texas, Mmes. BLACKBURN, LOVE, Messrs. CALVERT, McHENRY, FORBES, TIBERI, DENT, and GOSAR changed their vote from “yea” to “nay.”

Mr. LARSON of Connecticut and Ms. MOORE changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mrs. NAPOLITANO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 156, not voting 19, as follows:

[Roll No. 237]

## AYES—258

Abraham	Carter (TX)	Fleming
Aderholt	Chabot	Flores
Amash	Chaffetz	Forbes
Amodei	Clawson (FL)	Fortenberry
Ashford	Coffman	Fox
Babin	Cole	Franks (AZ)
Barletta	Collins (NY)	Frelinghuysen
Barr	Comstock	Garamendi
Barton	Conaway	Garrett
Benishek	Cook	Gibbs
Bilirakis	Costa	Gibson
Bishop (GA)	Costello (PA)	Gohmert
Bishop (MI)	Cramer	Goodlatte
Bishop (UT)	Crawford	Gosar
Black	Crenshaw	Gowdy
Blackburn	Cuellar	Graves (GA)
Blum	Culberson	Graves (LA)
Bost	Curbelo (FL)	Graves (MO)
Boustany	Davis, Rodney	Griffith
Brady (TX)	DeBene	Grothman
Brat	Denham	Guinta
Bridenstine	Dent	Guthrie
Brooks (AL)	DeSantis	Hanna
Brooks (IN)	DesJarlais	Hardy
Buchanan	Diaz-Balart	Harper
Buck	Dold	Harris
Bucshon	Donovan	Hartzler
Burgess	Duffy	Heck (NV)
Bustos	Duncan (SC)	Hensarling
Butterfield	Duncan (TN)	Hice, Jody B.
Byrne	Ellmers (NC)	Hill
Calvert	Emmer (MN)	Holding
Capps	Farenthold	Hudson
Carney	Fitzpatrick	Hultgren
Carter (GA)	Fleischmann	Hunter

Adams	Edwards	Lipinski
Aguiar	Ellison	Lofgren
Beatty	Engel	Lowenthal
Becerra	Eshoo	Lowe
Bera	Esty	Lujan Grisham
Beyer	Farr	(NM)
Blumenauer	Foster	Luján, Ben Ray
Bonamici	Frankel (FL)	(NM)
Boyle, Brendan F.	Fudge	Lynch
Brady (PA)	Gabbard	Maloney,
Brown (FL)	Galleo	Carolyn
Brownley (CA)	Graham	Matsui
Capuano	Grayson	McCollum
Cárdenas	Green, Al	McDermott
Cardon (IN)	Green, Gene	McNerney
Cartwright	Grijalva	Meeks
Castor (FL)	Gutiérrez	Meng
Chu, Judy	Hahn	Moore
Cicilline	Hastings	Moulton
Clark (MA)	Heck (WA)	Murphy (FL)
Clarke (NY)	Higgins	Nadler
Clay	Himes	Napolitano
Cleaver	Hinojosa	Neal
Clyburn	Honda	Norcross
Cohen	Hoyer	Pallone
Connolly	Huffman	Pascarell
Conyers	Israel	Payne
Cooper	Jeffries	Pelosi
Courtney	Johnson (GA)	Peters
Crowley	Johnson, E. B.	Pingree
Cummings	Kaptur	Pocan
Davis (CA)	Keating	Polis
Davis, Danny	Kelly (IL)	Price (NC)
DeFazio	Kennedy	Quigley
DeGette	Kildee	Rangel
Delaney	Kilmer	Rice (NY)
DeLauro	Kirkpatrick	Richmond
DeSaulnier	Langevin	Roybal-Allard
Deutsch	Larsen (WA)	Ruiz
Dingell	Larson (CT)	Ruppersberger
Doggett	Lawrence	Rush
Doyle, Michael F.	Lee	Ryan (OH)
Duckworth	Levin	Sánchez, Linda T.
	Lewis	Sarbanes
	Lieu, Ted	

## NOES—156

Edwards	Lipinski
Ellison	Lofgren
Engel	Lowenthal
Eshoo	Lowe
Esty	Lujan Grisham
Farr	(NM)
Foster	Luján, Ben Ray
Frankel (FL)	(NM)
Fudge	Lynch
Gabbard	Maloney,
Galleo	Carolyn
Graham	Matsui
Grayson	McCollum
Green, Al	McDermott
Green, Gene	McNerney
Grijalva	Meeks
Gutiérrez	Meng
Hahn	Moore
Hastings	Moulton
Heck (WA)	Murphy (FL)
Higgins	Nadler
Himes	Napolitano
Hinojosa	Neal
Honda	Norcross
Hoyer	Pallone
Huffman	Pascarell
Israel	Payne
Jeffries	Pelosi
Johnson (GA)	Peters
Johnson, E. B.	Pingree
Kaptur	Pocan
Keating	Polis
Kelly (IL)	Price (NC)
Kennedy	Quigley
Kildee	Rangel
Kilmer	Rice (NY)
Kirkpatrick	Richmond
Langevin	Roybal-Allard
Larsen (WA)	Ruiz
Larson (CT)	Ruppersberger
Lawrence	Rush
Lee	Ryan (OH)
Levin	Sánchez, Linda T.
Lewis	Sarbanes
Lieu, Ted	

## NOT VOTING—19

Allen	Herrera Beutler	O'Rourke
Bass	Huelskamp	Sanchez, Loretta
Castro (TX)	Huizenga (MI)	Scott, Austin
Collins (GA)	Jackson Lee	Takai
Fattah	Loudermilk	Waters, Maxine
Fincher	McGovern	
Granger	Miller (MI)	

## □ 1709

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## TSCA MODERNIZATION ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to concur in the Senate amendment to the bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes, with an amendment, offered by the gentleman from Illinois (Mr. SHIMKUS), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to concur.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 12, not voting 18, as follows:

[Roll No. 238]

## YEAS—403

Abraham	Butterfield	Curbelo (FL)
Adams	Byrne	Davis (CA)
Aderholt	Calvert	Davis, Danny
Aguiar	Capps	Davis, Rodney
Amash	Capuano	DeFazio
Amodei	Cárdenas	DeGette
Ashford	Carney	Delaney
Babin	Carson (IN)	DeLauro
Barletta	Carter (GA)	DeBene
Barr	Carter (TX)	Denham
Barton	Cartwright	Dent
Beatty	Castor (FL)	DeSantis
Becerra	Chabot	DeSaulnier
Benishek	Chaffetz	DesJarlais
Bera	Chu, Judy	Deutch
Beyer	Cicilline	Diaz-Balart
Bilirakis	Clark (MA)	Dingell
Bishop (GA)	Clawson (FL)	Doggett
Bishop (MI)	Clay	Dold
Bishop (UT)	Cleaver	Donovan
Black	Clyburn	Doyle, Michael F.
Blackburn	Coffman	Duckworth
Blum	Cohen	Duffy
Blumenauer	Cole	Duncan (SC)
Bonamici	Collins (NY)	Edwards
Bost	Comstock	Ellison
Boustany	Conaway	Ellmers (NC)
Boyle, Brendan F.	Connolly	Emmer (MN)
Brady (PA)	Conyers	Engel
Brady (TX)	Cook	Eshoo
Brat	Cooper	Esty
Bridenstine	Costa	Farenthold
Brooks (AL)	Costello (PA)	Farr
Brooks (IN)	Courtney	Fitzpatrick
Brown (FL)	Cramer	Fleischmann
Brownley (CA)	Crawford	Fleming
Buchanan	Crenshaw	Flores
Bucshon	Crowley	Forbes
Burgess	Cuellar	Fortenberry
Bustos	Culberson	Foster
	Cummings	