

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE CONCURRENT RESOLUTION NO. 3067
(Representatives Mueller, Holman, D. Johnson)
(Senators Klein, Miller, Wanzek)
(Approved by the Delayed Bills Committee)

A concurrent resolution urging the restoration, through legal or political means, of the Environmental Protection Agency's final rule exempting pesticides from the Clean Water Act's permitting requirements.

WHEREAS, on November 27, 2007, the Environmental Protection Agency issued a final rule providing that pesticides applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act are exempt from the Clean Water Act's permitting requirements; and

WHEREAS, in *National Cotton Council of America v. United States Environmental Protection Agency*, the United States Court of Appeals for the Sixth Circuit vacated the agency's rule on the basis that pesticide residues and biological pesticides constitute pollutants under federal law and must be regulated under the Clean Water Act in order to minimize the impact to human health and the environment; and

WHEREAS, with this decision, farmers, ranchers, utility owners, golf course owners, and state, local, and federal public entities, among others, will be required to obtain national pollutant discharge elimination system permits; and

WHEREAS, this decision inevitably will result in complications and delays that will seriously impact the effective and time-sensitive use of pesticides to combat disease and crop-destroying insects, and seriously impact the ability of farmers and ranchers to engage in food production;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-first Legislative Assembly supports the restoration, through legal or political means, of the Environmental Protection Agency's final rule exempting pesticides from the Clean Water Act's permitting requirements, provided that the pesticides are applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of the United States Department of Agriculture, the Secretary of the Environmental Protection Agency, the Majority and Minority Leaders of the United States House of Representatives and the United States Senate, and to each member of the North Dakota Congressional Delegation.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State