

Sixty-first
Legislative Assembly
of North Dakota

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3067**

Introduced by

Representatives Mueller, Holman, D. Johnson

Senators Klein, Miller, Wanzek

(Approved by the Delayed Bills Committee)

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

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

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

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

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

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

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

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