

SENATE BILL REPORT

SJM 8025

As of June 21, 2001

Brief Description: Requesting the environmental protection agency to clarify the use of aquatic herbicides.

Sponsors: Senators Morton and Rasmussen.

Brief History:

Staff: Richard Rodger (786-7461)

Background: The Ninth Circuit Court of Appeals recently issued a decision in *Headwaters Inc. v. Talent Irrigation District* held that a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act is needed prior to application of an aquatic herbicide in irrigation canals.

Extension of the NPDES permit to pesticide applications, especially for irrigation canal uses, may cause regulatory delays to the adequate maintenance of irrigation districts.

Summary of Bill: The United States Environmental Protection Agency is requested to: (1) immediately clarify, and modify if necessary, the applicability of the Clean Water Act to pesticide applications; (2) provide relief to irrigation districts for pesticide applications to be made this summer; and (3) take an active role in the current litigation on this subject before the Ninth Circuit Court of Appeals.

Appropriation: None.

Fiscal Note: Not requested.