
SENATE JOINT MEMORIAL 8025

State of Washington 57th Legislature 2001 Second Special Session

By Senators Morton and Rasmussen

READ FIRST TIME 06/08/2001. HELD AT THE DESK.

1 TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE ADMINISTRATOR OF THE
5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

6 We, your Memorialists, the Senate and House of Representatives of
7 the State of Washington, in legislative session assembled, respectfully
8 represent and petition as follows:

9 WHEREAS, Agriculture is the number one industry in the state of
10 Washington; and

11 WHEREAS, Irrigated agriculture is an essential portion of this
12 important source of jobs and revenue to the state of Washington and the
13 United States as a whole; and

14 WHEREAS, Proper maintenance of irrigation facilities, including the
15 responsible use of aquatic pesticides to keep waterways free of weeds,
16 is essential to their continued economic operation; and

17 WHEREAS, The recent Ninth Circuit Court of Appeals decision in
18 Headwaters Inc. v. Talent Irrigation District held that a National
19 Pollutant Discharge Elimination System (NPDES) permit under the Clean
20 Water Act is needed prior to application of an aquatic herbicide in
21 irrigation canals; and

1 WHEREAS, Pesticide use is governed by the Federal Insecticide,
2 Fungicide, and Rodenticide Act; and

3 WHEREAS, Pesticide applications are made in a diffuse fashion
4 across large areas of land or water; and

5 WHEREAS, The Clean Water Act NPDES permit is intended to cover
6 point sources of discharge; and

7 WHEREAS, Extension of the NPDES permit to pesticide applications,
8 especially for irrigation canal uses, would add unacceptable, onerous
9 levels of regulatory delay to the adequate maintenance of irrigation
10 districts;

11 NOW, THEREFORE, Your Memorialists respectfully pray that the United
12 States Environmental Protection Agency be directed to immediately
13 clarify, and modify if necessary, the applicability of the Clean Water
14 Act to pesticide applications and provide relief to irrigation
15 districts for pesticide applications to be made this summer, and also
16 to take an active role in the current litigation on this subject before
17 the Ninth Circuit Court of Appeals.

18 BE IT RESOLVED, That copies of this Memorial be immediately
19 transmitted to the Honorable George W. Bush, President of the United
20 States, and the Administrator of the United States Environmental
21 Protection Agency, the President of the United States Senate, the
22 Speaker of the House of Representatives, and each member of Congress
23 from the State of Washington.

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