



**SUBCOMMITTEE ON ENERGY POLICY,  
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**Doug Ose (CA-03), Chairman**

***PRESS RELEASE***

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**OSE HEARING ON WEST NILE VIRUS**

WASHINGTON D.C. - Congressman Doug Ose today held a hearing on the West Nile Virus (WNV), a serious public health threat that has claimed the lives of over 600 people since its first diagnosis five years ago. The hearing, entitled "Current Challenges in Combating the West Nile Virus," explored State and local strategies and challenges for combating WNV, particularly as it ravages California and Arizona this year. The hearing also focused on The need for the Environmental Protection Agency (EPA) to replace its nonbinding and confusing July 2003 guidance with a binding regulation.

"How can we eradicate the West Nile Virus and saves the lives of future Americans? When will EPA provide vector control districts on the front lines with the tools that they need to effectively combat this epidemic?" Ose said. "From this day on, until a rule is issued, EPA should have to answer to the families of future innocent Americans killed or sickened by this deadly disease."

The hearing addressed challenges faced by local health and mosquito abatement officials in their efforts to end the WNV epidemic. In March 2001, the 9<sup>th</sup> Circuit ruled that pesticide applicators require permits to apply aquatic pesticides to waters of the United States. Due to this decision, California and Washington have required mosquito control professionals to obtain these permits. Similar challenges are pending in the 2<sup>nd</sup> Circuit.

In July 2003, EPA issued an "Interim Statement and Guidance on Application of Pesticides to Waters of the United States in Compliance with FIFRA" to clarify that pesticide applications compliant with certain requirements do not require a permit for purposes of mosquito abatement. Unfortunately, EPA's guidance has not protected vector control districts from citizen lawsuits under the Clean Water Act (CWA). The result of these lawsuits is added legal, permit application, and water quality monitoring costs to vector control districts already strapped for funds to control mosquitoes. In controlling mosquito-borne illnesses, time is of the essence and the addition of unclear requirements hampers the efforts of public health officials.

During today's hearing, Ose asked Benjamin J. Grumbles, EPA's Acting Assistant Administrator, if EPA would issue a much-needed rule instead of guidance. Grumbles

replied, “perhaps” and added that, if there is a rule, there may be “false expectations” about its providing a safe harbor.

“We must support the efforts of local officials in combating the West Nile Virus, not add additional uncertainty. I strongly urge EPA to promulgate a regulation to replace its non-binding guidance and to provide unchallengeable clarity for this issue,” Ose said. “We can protect people from the West Nile Virus while still maintaining the health of our aquatic ecosystems.”

David Brown, Chair of the Integrated Pest Management, Mosquito and Vector Control Association of California, discussed hurdles agencies face regarding maintaining effect control measures, including vague requirements and inadequate funding. Brown echoed Ose’s calls for a rulemaking in his testimony, stating “the USEPA should immediately undertake a rulemaking clearly stating the application of pesticides is not a discharge of a pollutant and therefore is not subject to provisions of the NPDES permit.”

Dr. Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, discussed the development of several WNV vaccines, one of which is already being tested in humans. “Phase I safety and immunogenicity testing in humans is currently underway, with promising preliminary results. If this work proceeds as expected and no adverse side effects are uncovered, this West Nile virus chimeric vaccine could be on the market within the next two to three years.”

Dr. Stephen Ostroff, Deputy Director of National Center for Infectious Diseases, Centers for Disease Control and Prevention, outlined specific priorities in addressing the threat of WNV, including: strengthened public health laboratory capacity; increased surveillance and outbreak investigation capacity; education and training for clinical and public health professionals at the Federal, State and local levels; and, communication of health information and prevention strategies to the public.

The hearing explored how citizens and governments can use the lessons learned from this epidemic to respond to threats from other mosquito-borne diseases, including those from foreign lands.