



*Reply To:* Tallahassee

February 2, 2011

The Honorable Rick Scott  
Governor, State of Florida  
400 South Monroe Street  
The Capitol, PL-05  
Tallahassee, Florida 32399-0001

Dear Governor Scott:

This firm represents the Florida Mosquito Control Association (FMCA), a non-profit association representing approximately 60 State-approved mosquito control programs located throughout Florida. The activities performed by these programs are critical to protecting human and animal health and welfare, as well as Florida's most important industry, tourism.

Based on a recent federal court case and subsequent U.S. Environmental Protection Agency regulatory action, as of April 10, 2011 all mosquito control programs will have to obtain an NPDES permit in order to be able to apply pesticides to waters of the State. This has been a routine activity of mosquito control programs for many years with no apparent adverse effects. If this general permit is not in place at that time, mosquito control's necessary pesticide applications to these waters will not be allowed.

Over the past two years, the Florida Department of Environmental Protection (FDEP), the Florida Department of Agriculture and Consumer Services (FDACS), the Florida Fish and Wildlife Conservation Commission and the regulated community have been working cooperatively to develop a rule that will allow mosquito control, and other regulated activities, to continue with their normal activities. FMCA respectfully requests that your Office of Fiscal Accountability and Regulatory Review authorize FDEP to proceed with the rulemaking process on proposed rule 62-621.300(8). As part of the "community" regulated by the proposed rule, FMCA strongly supports FDEP moving forward with rulemaking.

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BRADENTON  
1001 Third Avenue West  
Suite 670  
Bradenton, Florida 34205

p | 941-708-4040 • f | 941-708-4024

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Suite 150  
Jacksonville, Florida 32202

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2600 Centennial Place  
Suite 100  
Tallahassee, Florida 32308

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515 North Flagler Drive  
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West Palm Beach, Florida 33401

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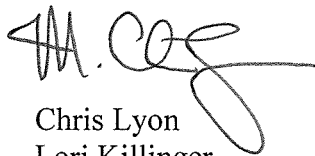
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It is our understanding that if FDEP is not authorized to move forward with the proposed rule by early February, mosquito control programs will be unable to obtain a general permit by the April 10, 2011 deadline. The proposed rule imposes minimal regulatory requirements to ensure that mosquito control activities are in compliance with state and federal law and, therefore, defensible against third-party lawsuits by environmental activist groups.

Based on the foregoing, the FMCA respectfully requests that the Office of Fiscal Accountability and Regulatory Review authorize FDEP to proceed with rulemaking on proposed rule 62-621.300(8) as soon as possible. If you have any questions or need additional information, feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Lyon", with a long horizontal flourish extending to the right.

Chris Lyon  
Lori Killinger

cc: Commissioner Adam Putnam  
Secretary Herschel Vinyard